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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223456
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Attachments	Balashi Opp to MJP CounterMot for Summary Judgment - PUBLIC REDACTED VERSION.pdf(634685 bytes) Exhibit W.pdf(955291 bytes) Exhibit T.pdf(82350 bytes) Exhibit Z.pdf(1645941 bytes) Exhibit D - REDACTED for public filing.pdf(107918 bytes) Exhibit E - REDACTED for public filing.pdf(101462 bytes) Exhibit H - REDACTED for public filing- new.pdf(25197 bytes) Exhibit G.pdf(123820 bytes) Exhibit P - part 1.pdf(5350098 bytes) Exhibit I.pdf(57275 bytes) Exhibit J.pdf(718758 bytes) Exhibit K.pdf(81517 bytes) Exhibit O.pdf(128794 bytes) Exhibit CC.pdf(595392 bytes) Exhibit B.pdf(340329 bytes) Exhibit P - part 9.pdf(4393344 bytes) Exhibit P - part 8.pdf(3117453 bytes) Exhibit U.pdf(5926686 bytes) Exhibit X - part 1.pdf(5290775 bytes) Exhibit Q.pdf(128812 bytes) Exhibit R - new.pdf(784522 bytes) Exhibit S - new.pdf(1090064 bytes) Exhibit V.pdf(642466 bytes) Exhibit A.pdf(40991 bytes) Exhibit AA - new.pdf(650591 bytes) Exhibit BB - new.pdf(915590 bytes) Exhibit DD.pdf(460226 bytes) Exhibit C.pdf(175464 bytes) Exhibit Y.pdf(921382 bytes) Exhibit F.pdf(166674 bytes) Exhibit L.pdf(126788 bytes) Exhibit M.pdf(1757234 bytes) Exhibit N.pdf(561272 bytes) Exhibit X - part 2.pdf(5941184 bytes)

	Exhibit X - part 3.pdf(3759014 bytes) Exhibit X - part 4.pdf(5309078 bytes) Exhibit GG -new.pdf(1490308 bytes)
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

**** REDACTED ****
TO PROTECT
CONFIDENTIAL
INFORMATION

OPPOSITION TO APPLICANT’S MOTION FOR JUDGMENT ON THE PLEADINGS,
AND
COUNTER-MOTION FOR SUMMARY JUDGMENT

Brouwerij Nacional Balashi N.V., (“BNB” or “Opposer”), hereby respectfully opposes Applicant t & beer, inc.’s (“T & Beer”) Motion for Judgment on the Pleadings (“Applicant’s Motion”), and pursuant to Trademark Trial and Appeal Board Manual of Practice (TBMP) § 528, the Trademark Rules of Practice, and Rule 56 of the Federal Rules of Civil Procedure, respectfully moves for summary judgment with respect to its claim of priority and that Applicant lacked a bona fide intent to use the applied for mark, BALASHI SPIRITS, in commerce on or before the date it filed Application Serial No. 86/566,095, in support of which the Opposer states as follows:

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**MEMORANDUM IN OPPOSITION TO APPLICANT'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

I. INTRODUCTION

BNB filed its Notice of Opposition on August 24, 2015, commencing this Opposition proceeding. Shortly thereafter, on October 2, 2015, T & Beer filed its Answer and affirmative defenses. Notably, T & Beer made no effort to challenge the sufficiency of BNB's pleading. Instead, it allowed discovery to proceed for over four months—until, that is, BNB insisted on taking Applicant's deposition and the deposition of one of its employees. Only after BNB had spent two weeks trying to obtain mutually agreeable dates for the taking of T & Beer's deposition and, then (when none were offered) finally issued the Notices of Deposition with dates of BNB's own choosing, did T & Beer file this Motion for Judgment on the Pleadings. T & Beer's motion is nothing more than a bad faith and frivolous maneuver of delay and avoidance. It is, in essence, a "Hail Mary" pass. However, that Hail Mary pass falls short by ignoring well-established law and liberal pleading standards. Thus, Applicant's motion must be denied.

II. THE PLEADING STANDARD PERMITS FACTUAL ALLEGATIONS MADE UPON INFORMATION AND BELIEF

When ruling on a motion to dismiss, a court must accept as true all well-pled and material allegations of the complaint and construe the complaint in favor of the complaining party. *Ritchie v. Simpson*, 170 F.3d 1092, 1097 (Fed. Cir. 1999). Under Fed.R.Civ.P. 8, an allegation does not need to set forth detailed facts in order to be well-pled. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Instead, the facts plead need only "be enough to raise a right to relief above the speculative level. . ." to plausibly suggest an entitlement to relief. *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1964-66 (2007). Notably, that plausibility standard is not akin to a "probability requirement." *Iqbal*, 556 U.S. at 678; *Twombly*, 550 U.S. at 556. When determining whether the complaint sets forth a plausible claim, "the complaint should be read as a whole, not parsed piece by piece to determine whether each allegation, in isolation, is plausible." *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585, 594 (8th Cir. 2009).

Furthermore, the plausibility standard "does not prevent a plaintiff from pleading facts alleged 'upon information and belief' where the facts are peculiarly within the possession and control of the defendant." *Arista Records, LLC v. Doe 3*, 604 F.3d 110, 120 (2d Cir. 2010); *Circle Click Media LLC v.*

Regus Mgmt. Grp. LLC, 2013 WL 57861, *6 (N.D. Cal. Jan. 3, 2013). Indeed, it would be perverse to require plaintiffs “to plead facts that remain in the sole control of the parties who stand accused of wrongdoing.” *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585, 602 (8th Cir. 2009). Therefore, allegations made “upon information and belief” are appropriate where: (1) the support for the claims turns on the content of records held by the defendants, or (2) where there is other factual information in the complaint upon which the allegations are based. *Cisco Sys., Inc. v. STMicroelectronics, Inc.*, 2015 WL 3488923, at *4 (N.D. Cal. June 2, 2015).

Here, as the Applicant, the facts relating to whether it had a bona fide intent to use the BALASHI SPIRITS mark in commerce on or before March 17, 2015, when it filed Application No. 86/566,095, are solely within T & Beer’s possession and control, not BNB’s. Thus, where BNB has asserted facts relating to T & Beer’s lack of a bona fide intent upon information and belief, it was both appropriate and permissible under the pleading standards of Rule 8. *See Arista Records, LLC v. Doe 3*, 604 F.3d at 120; *Braden*, 588 F.3d at 602. Furthermore, as shown below, BNB’s pleading was sufficient to notify T&Beer of the claims against it and the grounds therefore.

III. OPPOSERS CLAIM UNDER SECTION 1(B) IS SUFFICIENTLY PLEAD

To state a claim under Section 1(b) of the Lanham Act, an opposer only needs to notify the applicant of the general circumstances, occurrences, and events causing the flaw in its application. *Aktieselskabet AF 21. Nov. 2001 v. Fame Jeans Inc.*, 525 F.3d 8, 21-22 (D.C. Cir. 2008). A flaw under Section 1(b) occurs where the applicant lacked a *bona fide* intention, *under circumstances showing his good faith*, to use a trademark in commerce. *See* 15 U.S.C. § 1051(b)(1).

T&Beer argues that there is no legal precedent that requires an applicant to make any meaningful investment in the mark, or make progress on its intended use of the mark, prior to filing an intent-to-use application. *Mot.*, at p. 6-7. However, T & Beer’s argument misses the mark. There is plenty of precedent stating that the determination of “whether an applicant had a ‘bona fide intent’ to use the mark in commerce at the time of the application requires *objective evidence* of intent.” *M.Z. Berger & Co. v. Swatch AG*, 787 F.3d 1368, 1376 (Fed. Cir. 2015) (emphasis added); *Saul Zaentz Co. v. Bumb*, 95 U.S.P.Q.2d 1723, 2010 WL

2783892, *4 (TTAB, June 28, 2010) (precedent). An applicant's mere assertion of an intent to use the mark, without corroboration, is not objective and not likely to provide credible evidence. *L.C. Licensing, Inc.*, 86 U.S.P.Q.2d 1883, 1892 (TTAB 2008) (precedent).

Accordingly, allegations stating that the applicant lacks objective evidence such as plans, marketing, or other meaningful activity or investments toward using the mark comply with the standard of proof under Section 1(b) of the Lanham Act. *See Boston Red Sox Baseball Club LP v. Sherman*, 88 U.S.P.Q.2d 1581 (TTAB, Sept. 9, 2008) (discussing applicant's lack of contemporaneous plans, specimens, or marketing as indicating a lack of bona fide intent).

Here, BNB's allegations put T & Beer on notice that it believed that T & Beer lacked evidence in the nature of plans, marketing, investment or other actions that would support an actual intent to use the BALASHI SPIRITS mark in commerce at the time the application was filed. Opp., at ¶¶ 4-7. Furthermore, BNB asserted allegations that T & Beer had a habit of trying to reserve marks associated with others, such as SLIM SHADY and TATOU. *Id.*, at ¶ 8. That allegation further put T & Beer on notice of BNB's claim that it was not acting under circumstances that would indicate good faith when it filed the subject application. Given that the facts relating to T & Beer's intent, whether bona fide or not, are solely within T & Beer's possession and control, no more was required of BNB in stating its claim under Section 1(b) or the liberal pleading standard of Rule 8 of the Federal Rules of Civil Procedure. Therefore, the Board must deny T & Beer's request for dismissal of BNB's Section 1(b) claim.

IV. OPPOSER'S CLAIM OF PRIORITY IS SUFFICIENTLY PLEAD

T & Beer's argument that BNB has not plead and cannot establish priority of use of the BALASHI mark is frivolous. Indeed, T & Beer willfully ignores the fact that BNB plead that it possesses common law rights in the BALASHI mark supported by use in commerce at least as early as November 2004. Opp. at ¶ 15. Applicant also willfully ignores BNB's allegation that it owns Application No. 86/734,984 for the standard character mark BALASHI, which was filed under Section 1(a) of the Lanham Act on the basis of actual use in commerce since as early as November 2004. Opp. at ¶ 14. Notably, "use in commerce" is a defined term under the Lanham Act and, thus, inherently refers to the full scope of U.S. commerce. 15

U.S.C. §1127. Opposer was not required to further amplify or clarify its use of that term of art.

Nevertheless, BNB plead additional facts that show that its claim of priority is, at the very least, plausible. For example, BNB plead that its use of the BALASHI mark began many years before Applicant filed the subject application and has continued. Opp. at ¶¶ 17-18. Furthermore, BNB plead that “[t]hrough use in commerce, including foreign trade with U.S. citizens, U.S. beer consumers have come to exclusively associate Opposer’s BALASHI marks with the Opposer and the beer it produces. . .” Opp. at ¶ 19. As explained in further detail in Opposer’s Motion for Summary Judgment (filed contemporaneously herewith, and Section V of which is expressly incorporated by reference herein), under the Lanham Act, the word ‘commerce’ means all commerce which may lawfully be regulated by Congress” and, thus, includes foreign trade. 15 U.S.C. § 1127; *Int’l Bancorp, LLC v. Societe des Bains de Mer et du Cercle des Etrangers a Monaco*, 329 F.3d 359, 363-64 (4th Cir. 2003).

Accordingly, T & Beer’s argument that “there are no allegations to demonstrate that any [of BNB’s] business occurred in U.S. commerce” ignores well-established law and the liberal standard of Rule 8 of the Federal Rules of Civil Procedure. Therefore, the Board must deny T & Beer’s request for dismissal of BNB’s Section 2(d) claim.

V. CONCLUSION

In light of the foregoing, the Opposer respectfully requests that the Board deny Applicant’s Motion for Judgment on the Pleadings.

MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT

I. INTRODUCTION

T & Beer’s motion for judgment on the pleadings may have allowed it to avoid the depositions that BNB had noticed, but it cannot aid T & Beer in avoiding the existing evidence and undisputed facts established by such evidence. As set forth in further detail below, the record evidence already obtained through discovery and through publicly available sources clearly establishes that T & Beer lacked a bona fide intent to use the BALASHI SPIRITS mark in commerce at the time it filed Application No. 86/566,095 on March 17, 2015. T & Beer has nothing but its naked, subjective and uncorroborated statements with which it

attempts to support its claim of bona fide intent to use the BALASHI SPIRITS mark in commerce, which is legally insufficient to allow it to avoid summary judgment.

Moreover, the record evidence establishes that for approximately eleven years before T & Beer filed the subject application, BNB had been using its BALASHI mark in connection with the sale of beer in commerce. Furthermore, the record evidence and well-established law show that BNB's use in commerce of the BALASHI mark falls within the Lanham Act's definition of "commerce." Therefore, BNB is the senior user of the BALASHI mark in the marketplace for alcoholic beverages.

As the senior user of the BALASHI mark, BNB is entitled to protect its mark against the confusion that Applicant's proposed BALASHI SPIRITS mark will likely cause among consumers in the alcoholic beverages marketplace. The record evidence regarding the similarity of the parties' marks, goods and the conditions within the marketplace for alcohol readily shows that Applicant's intended use is likely to cause consumer confusion and, thus, infringe BNB's BALASHI mark.

In sum, the following facts and well-established law show that there is no genuine dispute as to any material fact relating to BNB's Section 1(b) and Section 2(d) claims and, therefore, BNB is entitled to summary judgment and T & Beer's Application No. 86/566,095 must be declared void ab initio and/or refused in light of BNB's senior rights and the likelihood of confusion therewith.

II. UNDISPUTED FACTS SUPPORTING THIS MOTION

The following undisputed facts support the granting of this Motion.¹

1. This Opposition proceeding was commenced on August 24, 2015. *Not. of Opp.*

A. Applicant's Lack of Bona Fide Intent

2. On March 17, 2015, Applicant filed the application that is the subject of the instant Notice of Opposition: U.S. Trademark Application No. 86/566,095 (the "'095 Application"). Exhibit A.

3. Through the '095 Application, Applicant is seeking to register the mark BALASHI SPIRITS for use in connection with "Distilled spirits" in International Class 033. *Id.*

4. Applicant filed the '095 Application under Section 1(b) of the Lanham Act by alleging an intent-to-use the BALASHI SPIRITS mark in commerce. *Id.*

¹ This statement of facts and particular facts herein shall hereinafter be cited to as "SOF, ¶__."

5. Applicant has not converted the '095 Application to a Section 1(a) basis (*i.e.*, actual use) or otherwise filed any statement of use in commerce of the BALASHI SPIRITS mark in connection with distilled spirits (or any other type of alcohol beverage). *See* Exhibit B.

6. Opposer served its First Set of Interrogatories to Applicant on December 2, 2015 [Exhibit C], which included, *inter alia*, inquiries (“Rog.”) regarding the following:

- a. each act (in chronological order *specifying the day, month and year*) that Applicant has performed in preparation for offering any distilled spirits, or any alcoholic beverage, product in commerce under the applied-for trademark BALASHI SPIRITS or any mark containing the word “Balashi” (Rog. No.s 1-2);
- b. the identity of all persons and/or entities with whom Applicant has discussed its intent to use the BALASHI SPIRITS trademark, or any mark containing the word “Balashi”, in commerce in connection with distilled spirits or any alcoholic beverage (Rog No.s 3-4);
- c. a description of all evidence that existed on or before March 17, 2015 which supports any representation that you made to the United States Patent and Trademark Office that you have a bona fide intent to use the trademark BALASHI SPIRITS in commerce in connection with distilled spirits (Rog. No. 10);
- d. all reasons for Applicant’s failure to use the BALASHI SPIRITS trademark in commerce in connection with distilled spirits between March 17, 2015 (*the date upon which you first applied to register the BALASHI SPIRITS mark*) and August 24, 2015 (*the date that this dispute commenced*) (Rog. No. 6);
- e. whether Applicant was aware of any alcoholic beverage products offered by Opposer prior to or on March 17, 2015 and, if you were aware of any such products, then specifically describe each such product and its packaging (Rog. No. 14).

7. Applicant served its responses (and objections) to those interrogatories on January 11, 2016—the entirety of which it marked “CONFIDENTIAL”—[Exhibit D] and a supplemental response to Rog. No. 3 on January 14, 2016 (verified on January 21, 2016)—also marked CONFIDENTIAL in its entirety—[Exhibit E], wherein Applicant responded that:

- a. The first act that Applicant performed toward offering any distilled spirits product in commerce under the applied-for trademark BALASHI SPIRITS [REDACTED]
[REDACTED]
[REDACTED] No other acts were listed. (Response to Rog. No.s 1-2) [*Applicant has marked its response as CONFIDENTIAL*];³

² Notably, Applicant did not produce that purported first draft.

³ Applicant refused to respond to requests seeking evidence referring to “Balashi” alone. Ex.s D and G.

- b. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. (Response to Rog. No.s 3-4) [*Applicant has marked its response as CONFIDENTIAL*];
- c. No evidence existing on or before March 17, 2015 and showing that Applicant had a bona fide intent to use the trademark BALASHI SPIRITS was described (Response to Rog. No. 10), instead Applicant [REDACTED] [*Applicant has marked its response as CONFIDENTIAL*];
- d. [REDACTED]
[REDACTED]
[REDACTED] (Response to Rog. No. 6) [*Applicant has marked its response as CONFIDENTIAL*];
- e. [REDACTED] (Response to Rog. No. 14) [*Applicant has marked its response as CONFIDENTIAL*].

8. Opposer also served its First Set of Requests for Production of Documents and Things to Applicant on December 2, 2015 [Exhibit F], which included, *inter alia*, requests for:

- a. All documents that were in existence prior to or on March 17, 2015 that evidence your bona fide intent to use the BALASHI SPIRITS trademark in connection with distilled spirits or any alcoholic beverage (Request No.s 25-26);
- b. plans in existence prior to or on March 17, 2015 evidencing Applicant's intent to offer distilled spirits under the BALASHI SPIRITS trademark (Request No. 8);
- c. plans in existence prior to or on March 17, 2015 evidencing your intent to offer *any alcoholic beverage product* under the BALASHI SPIRITS trademark (Request No. 9);
- d. all e-mail sent or received that regarding the "Balashi Spirits" trademark (Requests No.s 13 thru 18);
- e. all communications prior to or on March 17, 2015 between you and any manufacturer of alcoholic beverages that contain the word "Balashi." (Request No. 19);
- f. All communications prior to or on March 17, 2015 between you and any graphic artist or designer that contains the word "Balashi." (Request No. 20);
- g. All agreements entered into prior to or on March 17, 2015 that contain the word "Balashi." (Request No. 21);
- h. All invoices issued prior to or on March 17, 2015 that contain the word "Balashi." (Request No. 22);
- i. applications made prior to or on March 17, 2015 to any department, agency, or bureau of the United States government, New York government, and New Jersey government, including

⁴ Applicant's attorney identified Ms. Rodriguez's employment position via email on Jan. 15, 2016. Ex. K.

but not limited to the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (“TTB”), which contain the word “Balashi” (Request No.s 6, 11 and 12);

- j. communications prior to or on March 17, 2015 between Applicant and the TTB that relate to any application for approval of a label containing the word “Balashi.” (Request No. 7);
- k. All certificates of label approval issued to you by the TTB, which contain the word “Balashi.” (Request No. 27);
- l. sample of each package in existence prior to or on March 17, 2015, including but not limited to labels and bottles, which contains the word “Balashi.” (Request No. 10);
- m. Samples of each advertisement published before or on March 17, 2015 that contains the word “Balashi (Request No. 2).

9. Applicant served its supplemental responses (and objections) to those Requests for Production on January 22, 2016 [Exhibit G], wherein Applicant responded that:⁵

- a. “...related to the ‘Balashi Spirits’ trademark, there are no such documents [*documents that evidence Applicant’s bona fide intent to use the mark*] on or before the specified date...” (Response to Request No.s 25);⁶
- b. “...related to the ‘Balashi Spirits’ trademark, there are no such documents [*plans evidencing intent to offer distilled spirits under the mark*] on or before the specified date...” (Response to Request No. 8);
- c. “...related to the ‘Balashi Spirits’ trademark, there are no such documents [*plans evidencing intent to offer any alcoholic beverage product under the mark*] on or before the specified date...” (Response to Request No. 9);
- d. regarding the ‘Balashi Spirits’⁷ trademark the only non-privileged e-mails sent or received by Applicant are reflected in Applicant’s documents numbered 25, 39-41, 43-44, which consist of:⁸
 - i. an email from TMOOfficialNotices@USPTO.gov on June 3, 2015 to Applicant’s counsel stating that the ‘095 Application would be published in the Official Gazette on June 23, 2015 [Ex. H, at BAL -000025];

- ii. [REDACTED]
[REDACTED]
[REDACTED]:
 - a) [REDACTED], and
 - b) [REDACTED]

⁵ Applicant added new objections in the supplemental response that were not asserted in the initial response and, thus, had already been waived.

⁶ Applicant refused to respond to #26. See Ex. G.

⁷ See note 3.

⁸ See SOF ¶ 10.

[*Id.*, at BAL -000039-41] (emphasis added) [*Applicant has marked this document as CONFIDENTIAL*]. Notably, [REDACTED]

[REDACTED] [*Id.*, at BAL -000040] were **not** included in the production of this document;

iii. an [REDACTED] [*Id.*, at BAL -000043] [*Applicant has marked this document as CONFIDENTIAL*];

iv. an email from TMOOfficialNotices@USPTO.gov on June 23, 2015 to Applicant's counsel stating that the '095 Application has been published in the Official Gazette [*Id.*, at BAL -000044].

(Response to Requests No.s 13 thru 18);

- e. "...with respect to the 'Balashi Spirits' trademark, there are no such documents [*communications with any manufacturer*] on or before the specified date." (Response to Request No. 19);
- f. "...related to the 'Balashi Spirits' trademark, there are no such documents [*communications with graphic artist/designer*] on or before the specified date..." (Response to Request No. 20);
- g. "...with respect to the 'Balashi Spirits' trademark, there are no such documents [*agreements*] on or before the specified date." (Response to Request No. 21);
- h. "...with respect to the 'Balashi Spirits' trademark, there are no such documents [*invoices*] on or before the specified date." (Response to Request No. 22);
- i. "...with respect to the 'Balashi Spirits' trademark, there are no such applications on or before the specified date." (Response to Request No.s 6, 11, and 12);
- j. "...there are none [*communications between Applicant and the TTB relating to any application for approval of a label*] with respect to 'Balashi Spirits' on or before the specified date." (Response to Request No. 7);
- k. "...related to the 'Balashi Spirits' trademark, there are no such documents [*certificates of label approval by the TTB*] on or before the specified date..." (Response to Request No. 27);
- l. "...related to the 'Balashi Spirits' trademark, there are no such documents [*packaging*] on or before the specified date..." (Response to Request No. 10);
- m. "...with respect to 'Balashi Spirits' there are no such advertisements published on or before the specified date." (Response to Request No. 2).

10. Applicant served only 45 pages of documents in response to Opposer's discovery requests.

Notably, *only 11 of those pages were not from the public record* of the '095 Application. Exhibit H.

[*Applicant has marked the non-public documents as Confidential*]

11. Applicant's document marked BAL -00001 is [REDACTED]

[REDACTED] Ex. H, at BAL -00001 (emphasis added) [*Applicant has marked this document as CONFIDENTIAL*].

12. Mr. Simone [REDACTED]

[REDACTED]. [Ex. H, at BAL -00003-5] [*Applicant has marked this document as CONFIDENTIAL*].

13. As of December 17, 2015, a search of Applicant's website (www.simoneint.com) for "Balashi" returned the message: "*No products match your search criteria*, please try again." Exhibit I (emphasis added).⁹

14. Although Applicant is familiar with the requirement to obtain a Certificate of Label Approval ("COLA") from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau ("TTB") before distributing alcohol within the United States—because it has done so with respect to wines branded as SIMONE and PAPI [Composite Exhibit J]—*it has never applied for a COLA for BALASHI SPIRITS*. Ex. G, at Responses to Request No.s 6, 11 and 12.

15. Applicant seems to have a habit of trying to reserve marks that consumers are likely to associate with others. For example,

- a. On July 3, 2013, Applicant filed an application under Section 1(b) seeking to register SLIM SHADY for spirits and liqueurs in International Class 033.. The Examiner issued an Office Action refusing to register that mark due to its false suggestion of a connection with the famous rapper Eminem, and that application is now dead. Composite Exhibit L.
- b. On October 27, 2014, Applicant filed an application under Section 1(b) seeking to register TATOU for distilled spirits in International Class 033. That application was the subject of an Opposition proceeding brought by Diageo North America, Inc. ("Diageo"), the owner of the mark TATOO (Registration No. 2,975,653) in connection with alcoholic beverages, namely distilled spirits. Applicant abandoned that application after the Board entered judgment against Applicant in that proceeding. Composite Exhibits M.
- c. on December 6, 2012, Applicant filed an application under Section 1(b) seeking to register the mark BALASHI BEER in connection with "Beer" in International Class 032. However, after two extensions of time, Applicant chose not to request any further extensions and

⁹ Applicant does business as "Simone International" See Ex. J.

abandoned it on February 23, 2015. Composite Exhibit N.

16. Opposer attempted for nearly two weeks to obtain Applicant's cooperation in scheduling the taking the Applicant's deposition, and the deposition of its employee Yarina Rodriguez. Opposer repeatedly requested mutually agreeable dates, but received none. Therefore, Opposer proceeded to issue Notices of Deposition, scheduling the requested depositions for March 10 and March 11, respectively. *See* Exhibit O.

17. In an effort to avoid those depositions by suspending this proceeding, the Applicant filed a baseless Motion for Judgment on the Pleadings on March 5, 2016—only five days before the depositions were scheduled to occur. *See* Mot. for Jdgmt on Pldgs., and Ex. O.

B. Opposer's Priority

18. Opposer, BNB, has been doing business in Aruba since 1999, including through the production, offering and sale of beer to consumers under the BALASHI mark. Exhibit P, Declaration of Paul Disch, at ¶3.

19. BNB has also owned the registration of the domain name Balashi.com since September 1999. Ex. P, Disch Decl., at ¶4 and ex.1 (BNB 001014).

20. While the beer is produced in Aruba, the BALASHI packaging into which it is placed is made in the United States. Attached to the Declaration of Paul Disch are examples of orders, invoices and shipments of BALASHI cartons and cans from the United States to Aruba for use in packaging and marketing BALASHI beer. Ex. P, Disch Decl., at ¶5 and ex. 2 (BNB 001717-1823).

21. BNB purchased and received BALASHI cartons from Timbar Packaging & Display in Miami, Florida ("Timbar"). For example:

- a. BNB purchased 18,500 BALASHI cartons from Timbar between In March-April 2012. *Id.*, at BNB 001727-31;
- b. BNB purchased 28,130 BALASHI cartons from Timbar between April-May 2012. *Id.*, at BNB 001717-26;
- c. BNB purchased Balashi Chill cartons 35,400 from Timbar between August and September 24, 2014. *Id.*, at BNB 001759-1788; and
- d. BNB purchased 25,602 BALASHI and Balashi Chill cartons from Timbar between September and December 29, 2015. *Id.* at BNB 001789-1823.

22. BNB purchased BALASHI cans from Ball Metal Beverage Container in Westminster,

Colorado (“Ball Container”). For example:

- a. BNB purchased 248,960 Balashi Chill Cans from Ball Container between April and May 30, 2012. *Id.*, at BNB 001733-41; and
- b. BNB purchased 124,480 BALASHI Malta cans from Ball Container between November 2013 and January 3, 2014. *Id.*, at BNB 001742-58.

23. BNB engaged Landstar Global Logistics of Jupiter, Florida (“Landstar”) and Interport Logistics of Miami, Florida to transport the BALASHI packaging from Miami, Florida to Oranjestad, Aruba. *See id.*, at BNB 1724, 1730, 1739, 1748-54, 1771-72, 1775, 1781, 1803, and 1809.

24. Aruba has a thriving tourist market. According to the U.S. Department of State, nearly 60% of Aruba’s tourists are from the United States. Exhibit Q, BNB 1013. In 2013, 556,290 residents of the United States visited Aruba. Exhibit R, Annual 2013 Statistical Yearbook, at p. 59. U.S. residents visiting Aruba come from several states across the nation, including but not limited to New York, New Jersey, Massachusetts, Pennsylvania, Connecticut, Ohio, Maryland, Michigan, Illinois, Florida, North Carolina, New Hampshire, and other states. Exhibit S, Tourist Profile Year Report 2012, at p. 29.

25. Many Americans have enjoyed touring BNB’s BALASHI brewery. For example,

- a. Anita and Evan Jones of Lake Tahoe enjoyed a personal tour of BNB’s brewery during their visit to Aruba in February 2004. Ex. P, Disch Decl., at ¶¶6 and ex. 3 (BNB 000732-734).
- b. Pages from BNB’s tour logbook from 2005 shows Americans from Pennsylvania, New York, Michigan, Virginia, New Jersey, Massachusetts, Wisconsin, Delaware, Connecticut, Illinois, Tennessee, New Hampshire, Georgia, Ohio, California, Maine, Rhode Island, and Texas. Ex. P, Disch Decl., at ex. 3. John and Liz Pearson of New Hampshire wrote: “Great Tour! We Enjoy Returning Year After Year!” *Id.*, at BNB00725. Ted Durant wrote: “Great Tour, very informative. I will happily help you in growing the business in the U.S.” *Id.*

26. Additionally, many U.S. consumers have consumed and enjoyed BNB’s BALASHI beer while visiting Aruba. For example,

- a. David Letts of New Jersey has stated that when he is at his vacation home in Aruba with his wife, they enjoy drinking BALASHI, and that he particularly enjoys the light, refreshing taste of BALASHI CHILL. Exhibit T, Declaration of David Letts, at ¶¶ 2-3.
- b. Debra Gallo wrote to BNB stating: “We just got back from Aruba and we devoured our fair share of Balashi’s. Will you ship to an individual’s address in the United States? . . .” Ex. P, Disch Decl., at ¶¶7 and ex. 4 (BNB 000763).
- c. Dave Reynolds wrote to BNB stating: “I just came back from Aruba on my honeymoon. All

week I was drinking Balashi Beer and I loved it. I was wondering where in the states I could purchase it or how I could go about getting some of it.” Ex. P, Disch Decl., at ¶7 and ex. 4 (BNB 000747).

d. On Backpacker.net, Marta wrote: “Oh my God!!!! My husband and I came from Aruba a week ago (June 27/06) and Balashi is the Best !!! better than Heineken, Oh Yes, Love it. Where can I get this awesome beer in Orlando Florida ????? Balashi, you are the BEST!!!!!!!!” Composite Exhibit U, at BNB 000371.

e. Jerry Brown wrote: “You gotta try it!! Positively amazing beer – pours with a nice head, and has a great flavor without the heavy aftertaste. Doesn’t get much better than pounding down several Balashis while floating on the water in paradise!! If anyone knows of a Balashi distributor anywhere in the US, please let me know.” *Id.*, at BNB 000372.

f. On their website, the Shroyer family of California wrote: “Aruba now has its own beer called Balashi. It is very good.” Exhibit V, at BNB 000377.

27. In 2004, to benefit from the popularity of BALASHI beer among tourists (including U.S. citizens), BNB established export sales to the United States by means of duty-free sales made through a relationship with Dufry Aruba, N.V., which operates duty-free shops within the Reina Beatrix International Airport in Aruba (hereinafter, “Aruba’s Airport”). Ex. P, Disch Decl., at ¶ 8; and Exhibit W, Declaration of Richard A. Lacle, at ¶ 2, ex. A.

28. Dufry Aruba, N.V. operates two duty-free shops within Aruba’s Airport: (a) the first is located in the main concession area, which is encountered before reaching the U.S. Customs and Border Control facilities (“U.S. Customs”);¹⁰ and (b) the second is located in the U.S. departure gate area after passing through U.S. Customs. Ex. W, Lacle Decl., at ¶2, ex. A.

29. BNB has continuously sold BALASHI beer to Dufry Aruba, N.V. for export since 2004. Ex. P, Disch Decl., at ¶ 9. Recent examples of continuous sales throughout the years from 2012 to 2015 for duty-free export are attached to the Declaration of Paul Disch. *Id.*, at ex.s 5 thru 8. Export documentation was completed for each sale. *Id.*

30. BNB’s BALASHI beer has continuously been sold in the duty-free store in the main concession area since the year 2004. Ex. W, Lacle Decl., at ex. A. Approximately 60% of the consumers shopping in the duty-free store within the main concession area are U.S. bound passengers. *Id.*

¹⁰ The December 2, 1994 Agreement on Preclearance between Netherlands (in respect of Aruba) and United States of America established the United States’ right and ability to maintain a customs station in Aruba.

31. BNB's BALASHI beer has continuously been sold in the duty-free store in the U.S. departure gate area since the year 2007. Ex. W, Lacle Decl., at ex. A. *All* of the consumers shopping in the duty-free store within the U.S. departure gate area are U.S. bound passengers. *Id.*

32. BNB's BALASHI beer is also sold in restaurants, bars and other concessions throughout Aruba's airport, including those located in restricted gates areas that only serve U.S.-bound passengers (*i.e.*, Gates 5 thru 8). Exhibit X, Declaration of Brown, at ¶ 2, ex. A. For example, BALASHI beer is sold in:

- a. Sbarro's, located next to Gate 5, which serves only U.S.-bound flights *Id.*, at ex. A (BNB 001007, 1009);
- b. Grab n Go, located between Gates 5 and 6, which serve only U.S.-bound flights *Id.*, at ex. A (BNB 001007, 1010);
- c. One Happy Bar, located next to Gate 6, which serves only U.S.-bound flights *Id.*, at ex. A (BNB 001007, 1011); and
- d. Binah Deli, located adjacent to Gates 7 and 8, which serve only U.S.-bound flights *Id.*, at ex. A (BNB 001007, 1012).

33. In 2014, consumers having a United States nationality who were departing Aruba on flights to the United States purchased at least 1,044 units of BALASHI beer, including 12-packs and cans. Ex. W, Lacle Decl., at ¶3, ex. B.

34. In 2015, sales increased and consumers having a United States nationality who were departing Aruba on flights to the United States purchased at least 1,237 units of BALASHI beer. *Id.* Each unit of BALASHI sold in 2015 was a 12-pack. *See id.*

35. All of BNB's BALASHI beer that has been purchased duty-free by U.S.-bound passengers is subject to United States regulation. Exhibit Y .

36. As a result of BNB's duty-free program, many U.S. consumers have imported Opposer's BALASHI beer into the United States through U.S. Customs. For example,

- a. David Letts of New Jersey has been a consumer of BALASHI for approximately eight years and regularly travels to Aruba. Mr. Letts brings a few six-packs of BALASHI beer home to the U.S. at the end of each trip to Aruba. Most recently, he carried some BALASHI home to the U.S. in September 2015. Ex. T, Decl. of Letts, at ¶¶ 2, 4.
- b. James Schwiesow, a citizen of the United States, estimates that he has made nearly thirty trips to Aruba in the past twenty years. At the end of many of those trips, he has brought a

few six-packs of BALASHI back home to the U.S. through U.S. Customs. Exhibit Z, Decl. of James Schwiesow, at ¶¶ 1-3, ex.s A-B.

37. Indeed, many U.S. consumers actively discuss their transport of BALASHI back to the United States in online forums. For example,

- a. In an Aruba.com forum entitled “Balashi”, Terry Joz of Catalina Beach wrote: “We bought back 2 six packs in our luggage and also bought 2 six packs at duty free in the airport on the way home last May!! Was fun to drink it at our 4th of July party on the beach. Terry” Ex. U, at BNB 000349.
- b. David, a/k/a Retagger, from New Jersey wrote: “I carried a case from the duty free shop at the airport. . .I just had some several days ago at a New Year’s eve party that I hosted back in New Jersey – brings back memories of the warm sun in Aruba.....” *Id.*
- c. On January 5, 2010, Mattnewhampshire posted: “...The Duty Free is on your way to the gate at the airport so it’s a piece of cake. If you don’t have a connection in the states you can carry it on, if you have a connection they make you put it in your checked luggage.” *Id.* at BNB 000353.
- d. On June 30, 2014, dmconn1 of Dayton, Ohio wrote: “My husband brought back 24 cans of Balashi, that he purchased prior to departure day, in a checked soft-sided cooler. He has brought it back in his suitcase before. . .” *Id.* at BNB 000381.
- e. On Feb. 12, 2009, JL of Waltham wrote: “We bought a 6 pack at the Duty Free Shop at the Aruba Airport a few years ago on the way home. We had to carry it, and you have to stick within the allowance of what they’ll let you bring back to the US.” *Id.* at BNB 000388.
- f. On May 2, 2006, pjcoff of Connecticut wrote: “I was wondering if anyone knew if they import Balashi to the US? We brought some back from our honeymoon last year and I was kind of hoping to get my hands on a case.” *Id.*, at BNB 000397.

38. Additionally, many U.S. consumers distribute some of their imported BALASHI beer supply to friends and family within the United States. For example,

- a. David Letts of New Jersey states that after he brings BALASHI back to the U.S., he shares it with his neighbors. Ex. T, Decl. of Letts, at ¶ 4.
- b. James Schwiesow states that after he brings it back to the U.S., he shares his imported BALASHI with friends and family. Ex. Z, Decl. of Schwiesow, at ¶ 3.
- c. In 2003, Beverly May wrote to BNB: “We certainly hope you will have success in moving your product into the U.S. market. This will be a hurdle, but persistence pays off. We brought some back for our sons and they loved it.” Ex. P, Disch Decl., at ex. 4 (BNB 000745).
- d. In an Aruba.com forum entitled “Balashi”, a member known as “aruba here I come” wrote: “we brought back a 6 pack in march from the duty free...just wanted our family to try it.” Ex. U, at BNB 000352.

39. U.S. consumers refer to Opposer's BALASHI mark as a means of identifying and distinguishing Opposer's beer from other beer offered by Opposer's competitors. For example,

- a. Mr. Letts of New Jersey has stated that he "would like to know that when I am able to buy BALASHI beer from within the United States that its source is the one with which I am familiar from my travels to and from Aruba." Ex. T, Decl. of Letts, at ¶ 7.
- b. Mr. Schwiesow states that he would enjoy being able to purchase BALASHI within the United States and would also like to know that it is from the source as the one with which he is familiar with from his travels to Aruba. Ex. Z, Decl. of Schwiesow, at ¶¶ 5-6.
- c. On November 17, 2008, ross_03079 of New Hampshire wrote: "Well, got back from Riu late Thursday night...Is it too early to book my next trip?? I'm craving an ice cold balashi and HOT sunshine!!" Ex. U, at BNB 000418. In response, Ham_and_Bean of Harrisburg responded: "Ditto that! We just got back. . .with dreams of Balashis and sunshine swirling in our heads! Would love to go back again next year..." *Id.*, at BNB 000420.
- d. On May 5, 2007, Spdd081603 of Nashua, New Hampshire wrote: "I was wondering if anyone knows ANYWAY to have Balashi beer sent from Aruba to NH????? I would die for a couple of Balashi...." Ex. ____, at BNB 000405. To which shamrock0421 of New Jersey responded: "I don't believe that's possible. We bring a couple six packs [back] with us and treasure them all summer long! ;-)" Ex. U, at BNB 000406.
- e. On November 12, 2006, msagowitz of Beavercreek, Ohio posted: "If anyone is going to Aruba and would like to pick up some Balashi for me, I would gladly pay you for the beer and your troubles!" Ex. U, at BNB 000413.
- f. Frank Musgrove wrote to BNB stating: "I was hoping to find out how to purchase balashi beer in the usa. . ." Ex. P, Disch Decl., at ex. 4 (BNB 000758).
- g. Scott Kompa wrote to BNB stating: "I fell in love with balashi beer and am lookin for it in the states. . ." Ex. P, Disch Decl., at ex. 4 (BNB 000754).
- h. Taryn Pyle of the AICC in Alexandria, Virginia wrote to BNB stating: "I am putting together some gift baskets for members of our company. . .I would like to order 2 cases of your Balashi bottled beer. . ." Ex. P, Disch Decl., at ex. 4 (BNB 000761).
- i. Kristen Johnson wrote to BNB asking: "Is Balashi sold in the United States...how I can find where it is sold in Connecticut if it is? If it is not sold, can it be shipped? Overnight?" Ex. P, Disch Decl., at ex. 4 (BNB 000776).
- j. Nicole Oswald wrote to BNB asking: "My family recently vacationed in Aruba. I am interested in purchasing Balashi beer. Can you tell me what upper Midwest, specifically Minnesota, distributors may carry Balashi beer in the United States?" Ex. P, Disch Decl., at ex. 4 (BNB 000775).
- k. Kevin McHale of Parsippany, New Jersey also wrote to BNB inquiring: "Is Balashi beer available anywhere in the United States?" Ex. P, Disch Decl., at ex. 4 (BNB 000773).

- l. Deborah Nelson of Chicago, Illinois wrote to BNB stating: “I recently returned from Aruba where I fell in love with Balashi. I live in the United States. How can I buy some cases of Balashi and have them shipped to me?” Ex. P, Disch Decl., at ex. 4 (BNB 000772).
- m. Matt Dysle of Ohio wrote to BNB stating: “I recently visited Aruba and tried Balashi for the first time. Must say, I was pleasantly surprised by the taste and quality. . .and wanted to know if I could order some to give as gifts for the upcoming holidays...” Ex. P, Disch Decl., at ex. 4 (BNB 000771).
- n. Steve Backa wrote to BNB asking: “How can I get Balashi beer up in Michigan?” Ex. P, Disch Decl., at ex. 4 (BNB 000769).
- o. C21gemcom@aol.com wrote to BNB asking: “where can I purchase balashi in new jersey usa.” Ex. P, Disch Decl., at ex. 4 (BNB 000767).
- p. Robbie Anderson wrote to BNB stating: “Hello. I was recently in Aruba on my honeymoon and enjoyed Balashi Beer. I was wondering if Balashi is exported to the United States, or if there was another way to purchase it without going back to Aruba (which I’d love to do, but I live in California)” Ex.P, Disch Decl., at ex. 4 (BNB 000766).
- q. Stacy Howard-Shanks wrote BNB asking: “Can you tell me if there is any distributors in Texas that carry Balashi Beer? I live in the Dallas area.” Ex. P, Disch Decl., at ex. 4 (BNB 000765).

40. U.S.-based trade publications and beer rating websites have also referred to Opposer’s BALASHI mark to distinguish Opposer’s beer from others: For example:

- a. BeerAdvocate.com, which is registered with a Boston, Massachusetts address, profiles BNB’s BALASHI beer on its website. Exhibit AA.
- b. RateBeer.com, which is registered with a Fulton, California address, profiles BNB’s BALASHI and BALASHI CHILL beers on its website. Exhibit BB.

41. Additionally, Opposer’s BALASHI mark is used by U.S. media to identify and distinguish Opposer’s beer from other beer offered by Opposer’s competitors. For example,

- a. On December 20, 2009, the Houston Chronicle wrote about Aruba in its Travel section, stating: “COOLEST SOUVENIR: A case of Aruban-made Balashi beer.” Exhibit CC, at BNB 000236.
- b. On July 26, 2015, the Asbury Park Press in New Jersey wrote: “Aruba is one of only a few countries in the world to make beer from desalinated water. The result, Balashi, is a light golden-colored lager with a global pedigree. Brewed at the Brouwerij Nacional Balashi, the winning recipe is made with malt imported from Scotland and hops shipped in from Germany...” *Id.*, at BNB 000239.
- c. On November 9, 2013, the International Herald Tribune published an article which stated: “Beach lovers flock here happy to claim a chaise with a paperback in one hand and a cold Balashi beer in the other.” *Id.*, at BNB 000262.

- d. On November 9, 2003, the Houston Chronicle, in an article about dining in Aruba, stated: "...order the fresh catch, peel and eat shrimp or sautéed scallops and a can of Balashi, Aruba's island-brewed beer." *Id.*, at BNB 000248.
- e. On November 17, 2003, Nielsen Business Media Inc.'s Amusement Business, in an article about a New York based wind-surfer wrote: "He tries to spend a week in Aruba each year enjoying the beach, the wind, the water, and the Balashi Beer. . ." *Id.*, at BNB 000241.
- f. On November 1, 2012, Brides magazine wrote about Aruba: "You can also test out 'beach tennis'. . .It's much easier after a few local Balashi beers." *Id.*, at BNB 000271. .
- g. On December 6, 2015, the Boston Globe published an article about travel to Aruba, which stated: "We practically raced to the swim-up pool bar, downed four fish tacos and a local Balashi beer, and flirted with the bartender." *Id.*, at BNB 000259.
- h. In a second article on December 6, 2015, the Boston Globe also wrote: "Wander along 2-mile Palm Beach in Aruba. . .Catch your breath with a local Balashi beer at a barefoot beach bar." *Id.*, at BNB 000252.
- i. On April 20, 2014, Gannett published, in the Sections USA Today and LIFE of the Courier-Journal and in the News-Press, a description of a meal, stating that it was: "As Aruban as a frosty Balashi beer. . ." *Id.*, at BNB 000242, 245.
- j. In August 2011, the New Jersey Record published a tip submitted by reader Maryann Moran regarding celebrating St. Patrick's Day in Aruba, which stated: "Visit Champions Restaurant at the Marriott Ocean Club for a really good corned beef sandwich and green Balashi beer." *Id.*, at BNB 000257.
- k. On August 24, 2004, the New York Post suggested: "...on the beautiful main harbor in downtown Oranjestad Sip \$3 Balashis (the local brew) while watching the cruise ships bring in the herds." *Id.*, at BNB 000276.

42. Over the years, several U.S. citizens have contacted BNB to express interest in becoming a distributor of BALASHI beer in the U.S.. *See, e.g.*, Ex. P, Disch Decl., at ex. 4 (BNB 000736, 741-43).

43. Previous to T & Beer filing the '095 Application, BNB engaged in formal discussions with a United States entity with respect to establishing distribution within the United States for BNB's BALASHI beer in order to make it more convenient for U.S. citizens to obtain BNB's BALASHI beer. Ex. P, Disch Decl., at ¶¶10-12. As part of those discussions, in August 2014, a Certificate of Label Approval ("COLA") was obtained from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau ("TTB") in preparation for distributing its BALASHI beer inside the United States. Ex. P, Disch Decl., at ¶11, ex. 9 (BNB 000427-29).

44. In addition to common law rights, BNB has also filed Application No. 86/734,984 seeking to

register the standard character mark BALASHI in connection with beer (the “’984 Application”). BNB filed the ’984 Application pursuant to Section 1(a) of the Lanham Act based upon use in U.S. commerce at least as early as November 2004. Exhibit DD. BNB has also filed: Application No. 86/701,463 for the mark (BALASHI PREMIUM BEER and Design) [Exhibit EE]; Application No. 86/701,470 for the mark (BALASHI PREMIUM BEER and Design) [Exhibit FF]; and Application No. 86/701,475 for the mark (BALASHI PREMIUM BEER ARUBA’S BEER and DESIGN), [Exhibit GG] all in connection with beer.

C. Facts Making Confusion Inevitable

45. Applicant disclaimed the term “SPIRITS” in its proposed BALASHI SPIRITS mark. Ex. A.

46. Applicant’s principal has instructed that [REDACTED]

[REDACTED]. Ex. H, at BAL -000039-41.

47. The word “Balashi” in the parties’ respective marks is identically spelled and, thus, in standard characters looks and sounds the same. *Compare* Ex. A to Ex. DD.

48. It is common knowledge *and, thus, the proper subject of notice by the Board*, that distilled spirits (Applicant’s proposed goods) and beer (BNB’s goods) are both alcoholic beverages.

49. The distilled spirit that Applicant intends to offer [REDACTED] Ex. D, at Response to Interrogatory No. 5; Ex. H, at BAL -00006 [*marked Confidential by Applicant*].

50. Opposer’s BALASHI beer is brewed on and is known to emanate from the Caribbean island of Aruba. Ex. P, Disch Decl., at ¶5; *see* Ex. CC.

III. LEGAL STANDARD FOR SUMMARY JUDGMENT

“That summary judgment may be appropriate in trademark matters is beyond dispute.” *Danskin, Inc. v. Dan River, Inc.*, 498 F.2d 1386, 1388 (C.C.P.A. 1974). Indeed, “summary judgment is a salutary method of disposition ‘designed to secure the just, speedy and inexpensive determination of every action.’” *Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 1562 (Fed. Cir. 1987) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 2555 (1986)). In other words, the purpose of summary judgment is one of judicial economy. *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 626-27 (Fed. Cir. 1984). Although it should be granted cautiously, summary judgment “is entirely proper where, after following the

FRCP procedures, no genuine issue of material fact remains.” *Pure Gold*, 739 F.2d at 626; *Ava Ruha Corp. DBA Mother's Mkt. & Kitchen*, 113 U.S.P.Q.2d 1575, 2015 WL 496141, *4 (TTAB, Jan. 29, 2015). Indeed, a court “shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed.R.Civ.P. 56(a); TBMP § 528; *Corporate Doc. Servs. Inc. v. I.C.E.D. Mgmt., Inc.*, 48 U.S.P.Q.2d 1477, *1478 (TTAB Sept. 29, 1998).

If the movant has supported its motion with evidence which, if unopposed, would establish its right to judgment, the non-movant cannot rest upon general denials but must counter with evidence sufficient to create a genuine factual dispute. *Sweats Fashions*, 833 F.2d at 1562. A non-movant cannot be relieved of that obligation because a *genuine* dispute can be found “**only if**, on the entirety of the record, a reasonable jury could resolve a factual matter in favor of the non-movant.” *Id.* (emphasis added); *Ron Cauldwell Jewelry, Inc.*, 63 U.S.P.Q.2d 2009, *5 (TTAB Mar. 22, 2002).

Here, the undisputed facts set forth above, along with the discussion below, clearly shows that there is no genuine issue of material fact as to” Applicant’s lack of a bona fide intent to use the BALASHI SPIRITS mark on or before the date it filed the ‘095 Application; Opposer’s priority of rights in its BALASHI mark, and that consumers are likely to be confused should Applicant be permitted to use the BALASHI SPIRITS mark. Thus, as a matter of law, Opposer is entitled to judgment.

IV. APPLICANT LACKED A BONA FIDE INTENT TO USE MARK AT TIME IT FILED THE APPLICATION

Section 1(b) of the Lanham Act provides, in pertinent part, that:

A person who has a *bona fide* intention, *under circumstances showing the good faith* of such person, to use a trademark in commerce may request registration of its trademark on the principal register . . .

15 U.S.C. § 1051(b)(1) (emphasis added). In view of Section 1(b), the Federal Circuit has held that: “[b]ecause a bona fide intent to use the mark in commerce is a statutory requirement of a valid intent-to-use trademark application under Section 1(b), the lack of such intent is a basis on which an opposer may challenge an applicant's mark.” *M.Z. Berger & Co. v. Swatch AG*, 787 F.3d 1368, 1375 (Fed. Cir. 2015).

“The determination of whether applicant had the requisite bona fide intention to use the mark ENYCE on the goods identified in the application must be a fair objective determination based on all of the

circumstances.” *L.C. Licensing, Inc.*, 86 U.S.P.Q.2d 1883, 2008 WL 835278, *9 (TTAB 2008) (precedent); *Swiss Grill Ltd.*, 115 U.S.P.Q.2d 2001, 2015 WL 5675642, *7 (TTAB, Sept. 10, 2015) (precedent). Thus, when such a challenge is made, the determination of “whether an applicant had a ‘bona fide intent’ to use the mark in commerce **at the time of the application** requires **objective evidence** of intent.” *M.Z. Berger*, 787 F.3d at 1376 (emphasis added); *Saul Zaentz Co. v. Bumb*, 95 U.S.P.Q.2d 1723, 2010 WL 2783892, *4 (TTAB, June 28, 2010) (precedent).

“Evidence bearing on bona fide intent is ‘objective’ in the sense that it is evidence in the form of real life facts and by the actions of the applicant, not by the applicant's testimony as to its subjective state of mind.” *Saul Zaentz Co.*, 2010 WL 2783892, *4; *SmithKline Beecham Corp. v. Omnisource DDS LLS*, 97 U.S.P.Q.2d 1300, 2010 WL 5099661, *5 (TTAB, Nov. 29, 2010). The evidence of applicant’s bona fide intent must also have arisen contemporaneously with the filing of the application. *Aktieselskabet AF 21. Nov. 2001 v. Fame Jeans Inc.*, 525 F.3d 8, 21 (D.C. Cir. 2008); *City of Carlsbad v. Shah*, 666 F. Supp. 2d 1159, 1163-64 (S.D. Cal. 2009); see *Boston Red Sox Baseball Club LP v. Sherman*, 88 USPQ2d 1581, 2008 WL 4149008, *6 (TTAB 2008) (precedent) (finding applicant’s evidence was “not even remotely contemporaneous with the filing of the application”); *L.C. Licensing, Inc.*, 2008 WL 835278, *10 (decision to forgo business until after opposition concludes does not explain failure to have any documents at the time the application was filed showing an intent to use the mark). However, establishing that an applicant lacked a bona fide intent to use a mark at the time it filed its application, does **not** require a showing that the applicant acted in bad faith. *SmithKline Beecham Corp.*, 2010 WL 5099661, *6.

“Opposer has the initial burden of demonstrating by a preponderance of the evidence that applicant lacked a bona fide intent to use the mark on the identified goods.” *Swiss Grill Ltd.*, 2015 WL 5675642, *8; *Boston Red Sox*, 88 USPQ2d at 1587. An opposer may meet that burden “by establishing that there is an absence of any documentary evidence on the part of Applicant regarding such intent.” *Swiss Grill Ltd.*, 2015 WL 5675642, at *8 (internal quotations omitted).

If the opposer meets this burden of proof, the burden of production shifts to applicant to rebut the opposer's prima facie case by submitting evidence of the factual circumstances bearing upon its intent to use

its mark in commerce. *Saul Zaentz Co.*, 2010 WL 2783892, *4 (internal citations omitted); *Boston Red Sox*, 2008 WL 4149008 at *6. An applicant's mere statement of subjective intent, without more, is insufficient to establish a bona fide intention to use the mark in commerce. *Saul Zaentz Co.*, 2010 WL 2783892, *4. Indeed, the mere assertion of an intent to use the mark, without corroboration, is not likely to provide credible evidence. *L.C. Licensing, Inc.*, 86 U.S.P.Q.2d at 1892; *City of Carlsbad*, 666 F. Supp. 2d at 1165.

"Congress did not intend the issue to be resolved simply by an officer of applicant later testifying, 'Yes, indeed, at the time we filed that application, I did truly intend to use the mark at some time in the future.'" *Saul Zaentz Co.*, 2010 WL 2783892, *4 (internal citations omitted); *SmithKline Beecham Corp.*, 2010 WL 5099661, *5. Therefore, "the absence of documentary evidence on the part of an applicant regarding such intent is sufficient to prove that the applicant lacks a bona fide intention to use the mark in commerce as required by Section 1(b)." *L.C. Licensing, Inc.*, 2008 WL 835278, *9; *Boston Red Sox*, 2008 WL 4149008 at *6.

Accordingly, summary judgment is appropriate where the opposer has established a prima facie case under Section 1(b) and the applicant has failed to meet its burden of production through the submission of evidence that adequately explains or outweighs its failure to have any documents supportive of or bearing upon its claimed intent to use its mark in commerce. *See Honda Motor Co. v. Friedrich Winkelmann*, 90 USPQ2d 1660, 2009 WL 962810, *2-4 (TTAB 2009) (precedent); *Tekni-Plex, Inc.*, No.s 91214508, 91215874, 2015 WL 8966287, at *5 (TTAB, Nov. 25, 2015); *City of Carlsbad*, 666 F. Supp. 2d at 1165 ("Defendant (the applicant) has had ample opportunity to produce documentary evidence of his intent to use at the time he filed his application").

Here, as can be readily seen from SOF, ¶¶ 6 - 15, and Ex. H (Applicant's document production), T & Beer has absolutely no documentary evidence from on or before the date of its filing of the '095 Application which objectively establishes or corroborates its alleged bona fide intent to use the BALASHI SPIRITS mark in commerce. T & Beer did not produce a single document having a date on or before March 17, 2015, except for the '095 Application itself. *See* SOF, ¶¶ 8 - 10, Ex. H.

The only documents that T & Beer produced in discovery reflect conduct occurring substantially

after the commencement of this proceeding. This proceeding commenced on August 24, 2015. SOF, ¶ 1. However, Applicant's earliest document reflecting conduct in relation to its intended mark is dated October 22, 2015. SOF, ¶ 11. Even the purported facts has stated, but as to which it has provided no corroborating documents, occurred after the commencement of this proceeding; thus, they were seemingly undertaken (*if at all*) to serve Applicant's interest in defending and dragging out this proceeding.

Indeed, although unsubstantiated, Applicant asserts [REDACTED] [REDACTED] SOF, ¶ 7.a [Applicant has marked that response as Confidential]. However, despite allegedly designing labels, Applicant still had not displayed any advance marketing or promotional material for BALASHI SPIRITS on its website. SOF, ¶13.

Even the fact that Applicant [REDACTED] [REDACTED] is astoundingly telling of a lack of bona fide intent. SOF, ¶ 7.b [*Applicant has marked that response as Confidential*]. Applicant did not discuss its intended use of BALASHI SPIRITS with any distillers, manufacturers, printers, the TTB (for purposes of obtaining a COLA), or any other third-parties who could corroborate its subjective statement of intent. *See* SOF, ¶ 7.b.

Prior to filing the '095 Application on March 17, 2015, Applicant had not marketed, planned to use, or otherwise taken any concrete steps toward using the BALASHI SPIRITS mark in connection with distilled spirits. *See* SOF, ¶ 7.a - 7.c. Notably, Applicant also had not applied to the TTB for a Certificate of Label Approval, as it had done for other alcoholic beverages. SOF, ¶14. Given the federal government's strict regulation on the labeling, marketing and promotion of alcoholic beverages, this is a significant absence of activity.

Moreover, Applicant admits [REDACTED], SOF, ¶ 7.e [Applicant has marked that response as Confidential]. Furthermore, Applicant has a habit of attempting to reserve marks associated with well-known entities, such as SLIM SHADY (referring to rapper Eminem) and TATOU (similar to Diageo's mark). SOF, ¶ 15. Although not required to show a lack of bona fide intent to use the mark, these facts indicate a bad faith intent by Applicant to take advantage of BNB's established

goodwill in its BALASHI mark.

In sum, these undisputed facts [SOF, ¶¶ 1-17] demonstrate that there is no genuine dispute as to any material fact as to T & Beer’s lack of a bona fide intent to use the BALASHI SPIRITS mark in commerce on March 17, 2015 when it filed the ‘095 Application, and BNB is entitled to judgment as a matter of law.

V. OPPOSER HAS PRIORITY OF USE IN COMMERCE

Under Section § 2(d) of the Lanham Act, “an intent-to-use applicant prevails over any opposer who began using a similar mark *after* the intent-to-use filing date.” *Aktieselskabet AF 21. Nov. 2001*, 525 F.3d at 18-19 (emphasis added). However, neither the filing of an intent-to-use or a use-based application constitutes nationwide constructive use against anyone who used a mark *before* the filing date. *Shalom Children's Wear Inc.*, 26 U.S.P.Q.2d 1516, 1993 WL 156482, *4 (TTTAB Mar. 11, 1993) (emphasis added). Here, because T & Beer filed its ‘095 Application on March 17, 2015 [SOF ¶2], BNB “must establish use, either actual or constructive, before that date.” *Aktieselskabet AF 21. Nov. 2001*, 525 F.3d at 19. This is a burden that BNB has clearly met because the evidence submitted herewith establishes that BNB has been using its BALASHI mark in U.S. commerce in connection with alcoholic beverages (specifically, beer) since 2004—*approximately eleven years before T & Beer filed its ‘095 Application*. SOF ¶18 - 44.

A trademark for goods (as opposed to services) achieves “use in commerce” when: (a) it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto. . .*and* (b) those goods are sold or transported *in commerce*. 15 U.S.C. § 1127. Therefore, before determining whether a trademark has been used in commerce, it is necessary to first consider the definition of “commerce.”

Under the Lanham Act, the word ‘commerce’ means all commerce which may lawfully be regulated by Congress” and, thus, it is coextensive with that under the Commerce Clause of the United States Constitution. 15 U.S.C. § 1127; *Int'l Bancorp, LLC v. Societe des Bains de Mer et du Cercle des Etrangers a Monaco*, 329 F.3d 359, 363-64 (4th Cir. 2003) (“‘commerce’ under the Lanham Act necessarily includes all the explicitly identified variants of interstate commerce, foreign trade, and Indian commerce”). Notably, the Commerce Clause of the United States Constitution, authorizes Congress to regulate “[c]ommerce with

foreign Nations, and among the several States, and with the Indian Tribes.” U.S. Const. art. I, § 8, cl. 3; *see Int’l Bancorp, LLC*, 329 F.3d at 365 (“Since the nineteenth century, it has been well established that the Commerce Clause reaches to foreign trade”).

The Supreme Court has defined commerce with foreign Nations (or “foreign trade”) to mean “commerce between citizens of the United States and citizens and subjects of foreign nations.” *In re: Trade-Mark Cases*, 100 U.S. 82, 96, 25 L.Ed. 550 (1879); *see Int’l Bancorp, LLC*, 329 F.3d at 365 (making the “unavoidable” legal conclusion that foreign trade and, thus, “commerce” were present). “[T]he *locality* in which foreign commercial intercourse occurs is of no concern to Congress’ power under the Constitution to regulate such commerce.” *Int’l Bancorp, LLC*, 329 F.3d at 366. The subject of foreign trade is not defined by where the trade occurs, but by the characteristics of the parties who engage in the trade. *Id.* (holding the use in commerce requirement was satisfied where record contained evidence that U.S. citizens went to and gambled at the casino, and the casino is a subject of a foreign nation).

Moreover, “It has, we believe, been universally admitted, that [the foreign commerce clause] comprehend[s] every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other, to which this power does not extend.” *Id.* at 367 (quoting *Gibbons v. Ogden*, 22 U.S. 1, 193–94 (1824)). Furthermore,

Who actually distributes the product to the end user is irrelevant; what is relevant is who was the actor that placed the product with the mark into commerce.... Since Plaintiff placed the mark on the product at the point of production, and was the first to distribute the product into the stream of commerce, and since the product with the mark was distributed into the United States marketplace, it is irrelevant that Plaintiff did not, itself, send the product into the United States.

Grand River Enter. Six Nations Ltd. v. VMR Products LLC, 2014 WL 2434517, *8-9 (W.D. Wis. May 29, 2014); *see Laboratorios Roldan, C. por A. v. Tex Int’l, Inc.*, 902 F. Supp. 1555, 1566 n.12 (S.D. Fla. 1995) (finding the defendants incorrectly argued that plaintiff is precluded from establishing first use of the trademark in the U.S. because plaintiff itself did not export the products to the U.S.”).

Notably, there are several regulations and agreements that affect commercial intercourse abroad by United States citizens with subjects of Aruba. For example, the December 2, 1994 Agreement on Preclearance between Netherlands (*in respect of Aruba*) and United States of America (“Agreement on

Preclearance”) established the United States’ right and ability to maintain a customs station¹¹ in Aruba. Exhibit Y.¹² As a result, Congress lists Oranjestad, Aruba as the location of one of several preclearance offices maintained by U.S. Customs and Border Protection (“CBP”) where CBP Officers are located. 19 U.S.C. §101.5. Additionally, and of particular interest given the type of goods at issue, Congress regulates the importation of alcoholic beverages into the United States by both residents and non-residents. Indeed, the provisions of 19 U.S.C. §148.33 regulate the amount of alcoholic beverages that a resident may bring into the United States free of duty and internal revenue tax. 19 U.S.C. §148.33(d)(2) and (3)(i)-(ii). Whereas, the provisions of 19 U.S.C. §148.43 regulate the amount of alcoholic beverages that a resident may bring into the United States free of duty and internal revenue tax. 19 U.S.C. §148.43(a). Therefore, there can be no doubt that the duty-free purchases of BNB’s BALASHI beer made in Aruba by U.S. residents comes within Congress’ powers under the foreign commerce clause. *See Int’l Bancorp, LLC*, 329 F.3d at 366-67 (regulation of commercial intercourse abroad by U.S. citizens with subjects of foreign nations, has long been recognized to be a valid exercise of Congress’ foreign commerce clause power).

Here, those regulations coupled with the undisputed facts [SOF ¶¶ 18 - 44] show that BNB has been using its BALASHI mark in commerce that may lawfully be regulated by Congress since at least November 2004. SOF ¶¶ 27-30. Indeed, BNB established duty-free export sales in 2004 through an arrangement with Dufry Aruba, N.V. (“Dufry”) [SOF ¶27], a fact that is corroborated by third-parties Dufry Aruba, N.V. and the Aruba Airport Authority, N.V. *See* Ex. W, Lacle Decl.; Ex. X, Brown Decl.. Furthermore, third-party U.S. consumers have also come forward to corroborate BNB’s use of the BALASHI mark in foreign trade by confirming their purchase of BALASHI beer and transport of those goods back to the U.S. where they have distributed them to friends, neighbors and family. SOF ¶ 36, 38.a-38.b. Other

¹¹ A “customs station” is any place at which Customs officers or employees are stationed to enter and clear vessels, accept entries of merchandise, collect duties and enforce the various provisions of the Customs and navigation laws of the United States. 19 U.S.C. §101.1.

¹² Under the Agreement on Preclearance, *inter alia*: (a) the U.S. must, *inter alia*, provide sufficient inspectors to carry out preclearance of passengers, crew, baggage, aircraft, and aircraft stores on eligible flights (Art. V); (b) the U.S. may extend the application of any of its customs, immigration, agriculture and public health laws and regulations to passengers, aircraft, crew, baggage, cargo and aircraft stores in Aruba which are subject to preclearance (Art. VII); and (c) U.S. citizen employees of the U.S. Government assigned to preclearance duties in Aruba shall not be amenable to the jurisdiction of Aruba’s judicial or administrative authorities regarding acts done in the exercise of their duties (Art. VI). *Id.*

U.S. consumers simply discuss their import of BALASHI beer into the U.S. and distribution to friends within online forums. SOF ¶¶ 37-38.

Regardless of whether the U.S. consumers pass through the U.S. Customs preclearance facility after they make their duty-free purchase BALASHI in the main concession area, or before they make their duty-free purchase in the restricted U.S. gate area, all such purchases of U.S. consumers from a subject of a foreign nation are regulated by federal statute. *See* SOF ¶35. Regardless of whether the subject of the foreign nation is BNB who sold the goods to Dufry and, thus, placed the BALASHI beer into the stream of commerce, or Dufry who sold the marked goods to the U.S. consumer, the end result is the same: foreign trade that is commerce under the Lanham Act. *See Int'l Bancorp, LLC*, 329 F.3d at 365.

Although, BNB's duty-free sales to U.S. citizens alone is sufficient to establish BNB's use in commerce since 2004 and, thus, priority, BNB's BALASHI beer is also sold in airport concessions which serve only U.S.-outbound flights. SOF ¶ 32. U.S. consumers visiting the island also buy and consume BALASHI beer throughout the island outside of the airport. *See* SOF ¶¶ 24-26. Moreover, BNB purchases its BALASHI packaging from U.S. vendors and transports such BALASHI packaging from the U.S. to Aruba, which is further foreign commerce between U.S. citizens and the subject of a foreign nation with respect to the BALASHI mark. SOF ¶¶ 20-23.

The goodwill that BNB has built-up in its BALASHI mark in connection with beer is apparent from: (a) the fact that U.S. consumers refer to BNB's BALASHI mark to identify and distinguish BNB's beer from other beers, *see* SOF ¶ 39.a - 39.q.; (b) the U.S. trade publications that have featured Opposer's BALASHI beer, SOF ¶ 40; (c) the mainstream media attention Opposer's BALASHI beer has received, SOF ¶¶ 41.a - 41.k; and (d) the requests from U.S. citizens to become U.S. distributors, SOF ¶¶ 42-43.

In light of these undisputed facts, the legal conclusion that foreign trade and, thus, "commerce" is present is unavoidable, and BNB's use in commerce of its BALASHI mark prior to T & Beer's March 17, 2015 filing of the '095 Application is established. Thus, there is no genuine dispute as to any material fact as to BNB's priority of rights in the BALASHI mark.

VI. APPLICANT'S USE WILL CAUSE CONFUSION AMONG CONSUMERS

In light of BNB's priority of rights, it is appropriate to consider the *DuPont* factors that are of record. *See Application of E. I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973). Here, the similarity of the marks, the similarity of the goods, purchasing conditions and trade channels all overwhelmingly support a finding that confusion will occur.

Under the first *DuPont* factor, the question is whether Applicant's mark so resembles Opposer's mark that consumers would assume that a connection exists between the parties and their respective alcoholic beverage products. *Recot, Inc. v. Becton*, 54 USPQ2d 1895 (Fed. Cir. 2000). "[A]lthough the marks must be regarded in their entireties, it is proper to give greater force and effect to a mark's dominant feature." *James B. Beam Distilling Co. v. Beamish & Crawford Ltd.*, 868 F.2d 1277 (Fed. Cir. 1989); *Guinness United Distillers & Vintners B.V. v. Anheuser-Bush, Inc.*, 2002 WL 1543817, *3 (S.D.N.Y. July 12, 2002).

Here, the term "BALASHI" is the dominant portion of Applicant's mark and the entirety of the Opposer's mark. Applicant added only the word "Spirits" to the mark but has disclaimed that descriptive portion, SOF ¶ 45; as it must because consumers are unlikely to rely upon it to distinguish the source of Applicant's distilled spirits. *See Cunningham v. Laser Golf Corp.*, 55 USPQ2d 1842, 1846 (Fed. Cir. 2000). Further confirming that "BALASHI" is the dominant portion of Applicant's proposed mark, Applicant's principal (Mr. Simone) has directed that [REDACTED]

[REDACTED] SOF ¶ 9.d.ii.b). Thus, the parties' marks are nearly identical in appearance and their dominant portions will necessarily be pronounced in an identical manner. This alone, supports finding of likelihood of confusion. *See In re White Swan, Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988) ("In appropriate cases, a finding of similarity as to any one factor (sight, sound or meaning) alone 'may be sufficient to support a holding that the marks are confusingly similar'"); *Krim-Ko Corp. v. Coca-Cola Co.*, 390 F.2d 728, 156 USPQ 523, 526 (CCPA 1968). Thus, the first *DuPont* factor weighs heavily in BNB's favor.

The second *DuPont* factor considers the similarity of the parties' goods. T & Beer's proposed goods [REDACTED], while BNB's goods are beer made on the Caribbean island of Aruba. SOF ¶ 49, 20. These goods are both properly classified as alcoholic beverages. *James B. Beam Distilling*, 868 F.2d

1277. While beer [REDACTED] are not identical goods, they are not distinctly different. *See id.* (finding stout and whiskey not distinctly different). *Fleischmann Distilling Corp. v. Maier Brewing Co.*, 314 F.2d 149, 159-60 (9th Cir. 1963) (finding beer and Scotch whiskey, which are both alcoholic beverages, are “so related as to fall within the mischief which equity should prevent”). Thus, this second factor also weighs heavily in favor of a finding of likely confusion.

BNB has established goodwill among U.S. consumers, SOF ¶¶39-41, has been engaged in discussions to establish a formal distribution program within the U.S., and has a COLA. SOF ¶¶42-43. Thus, the parties are likely to find themselves in the same channels of trade if Applicant were permitted to distribute alcoholic beverages under the BALASHI SPIRITS mark.

Finally, alcoholic beverages are subject to purchasing conditions where consumers do not exercise great care. Indeed, the conditions under which alcoholic beverages are purchased have been described as: frequently chaotic and impulsive; often without sight of the bottle or label; or otherwise in environments in which similarity in sound and meaning are likely to factor heavily in building consumer brand recognition. *See Brooklyn Brewery Corp. v. Black Ops Brewing, Inc.*, No. 115CV01656GEBEPG, 2016 WL 80632, at *6 (E.D. Cal. Jan. 7, 2016); Guinness, 2002 WL 1543817 at *6; *A. Smith Bowman Distillery, Inc. v. Schenley Distillers, Inc.*, 198 F.Supp. 822, 827-28 (D.Del.1961).

Based on the foregoing, there is no genuine issue of material fact that Applicant’s use of the BALASHI SPIRITS mark is likely to cause confusion and that Opposer is entitled to summary judgment.

VII. CONCLUSION

In light of the foregoing, summary judgment is appropriate and would serve judicial economy in this Proceeding. Therefore, the Opposer respectfully requests that the Board grant its Motion for Summary Judgment and declare Application serial no. 86/566,095 void *ab initio* for Applicant’s failure to have a bona fide intent to use the BALASHI SPIRITS mark in commerce at the time it filed such application.

Dated: March 21, 2016

Respectfully submitted,

By: /Susan J. Latham/
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Attorney for Opposer,
Brouwerij Nacional Balashi N.V.

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CERTIFICATE OF ELECTRONIC FILING
AND CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document entitled: **OPPOSITION TO APPLICANT'S MOTION FOR JUDGMENT ON THE PLEADINGS, AND COUNTER-MOTION FOR SUMMARY JUDGMENT** is being submitted electronically via the Electronic Filing System for Trademark Trial and Appeals on this 21ST day of March, 2016.

I hereby certify that, pursuant to the parties' agreement to serve documents in this proceeding electronically, a true and complete copy of the foregoing document entitled: **OPPOSITION TO APPLICANT'S MOTION FOR JUDGMENT ON THE PLEADINGS, AND COUNTER-MOTION FOR SUMMARY JUDGMENT** has been served upon the Applicant on this 21ST day of March 2016, by transmitting a copy of same via electronic mail to:

Gregory J. Winsky, and Kerri E. Chewning

ARCHER & GREINER, P.C.

One Continental Square, P.O. Box 3000

Haddonfield, New Jersey 08033

E-mail: trademarks@archerlaw.com; kchewning@archerlaw.com

Telephone: 856-616-2610

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As attorney of record for Application Serial No. 86/566,095 on behalf of:
t & beer, inc.

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Old Tappan, New Jersey 07675

E-mail: t.simone@prodigy.net

/Susan Latham/

Susan J. Latham

Attorney for Opposer

Opposer's Motion for Summary Judgment

EXHIBIT “W”

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

DECLARATION OF RICHARD A. LACLE

1. My name is Richard A. Lacle. I am the local resident Partner/shareholder of Dufry Aruba, N.V. and am responsible for controlling the operation of stores and personnel in Dufry's duty-free stores in Aruba. I am over 21 years of age, of sound mind and otherwise fully competent to testify to matters set forth herein, and I voluntarily make this declaration based upon my personal knowledge of the facts set forth below.

2. Attached hereto, as Exhibit A, is a letter that I issued to Brouwerij National Balashi N.V. ("BNB") on January 8, 2016, confirming Dufry Aruba, N.V.'s relationship and experience offering BALASHI beer to U.S. bound passengers, among others, in our duty-free shops within the Reina Beatrix International Airport. I confirm that the information stated therein is true and correct, and based upon my personal knowledge.

3. Attached hereto, as Exhibit B, is a report of Dufry Aruba, N.V.'s sales of BALASHI beer, in the years of 2014 and 2015, to our customers having a United States nationality and a travel destination of the United States. I confirm that the information stated therein is true and correct, and based upon my personal knowledge.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

On this 21st day of March 2016, FURTHER DECLARANT SAYETH NAUGHT.



RICHARD A. LACLE



EXHIBIT A

January 8th, 2016

Messrs.: Brouwerij National Balashi N.V.
Balashi 62 A
Aruba

Dear Sirs:

At the request of Mr. Eduardo de Veer, I am providing you with a brief summary and confirmation of our experience with your product, BALASHI beer, within the Duty Free Concession Area of Reina Beatrix International Airport of Aruba. I am the local resident Partner/shareholder of Dufry Aruba N.V., and am responsible for controlling the operation of personnel and stores in Aruba. I am familiar with the layout and operations of Reina Beatrix International Airport and its Duty Free Concession Area. Attached hereto is a true and correct map of the layout of the Airport, including the location of its Duty Free shops and the United States Customs and Boarder Control facilities (CBP).

As may be seen on the map, the Airport has Duty Free shops located both prior to and after the CBP, which provides our travelers with several opportunities to purchase Duty Free alcohol (among other things). Notably, travelers purchasing alcohol at the Duty Free shops located *after* the U.S. Customs and Boarder Control facilities (and near the departure gates) are all U.S. bound passengers. Even in the Main Concession Area located prior to the CBP, the travelers primarily consist (over 60%) of passengers departing to the USA.

Based upon our relationship with the vendors that we oversee within the Airport, including Dufry Aruba, N.V., we are aware that BALASHI beer manufactured by Brouwerij Nacional Balashi N. V. has continuously been sold in the Duty Free stores located in the Main Concession Area (MCA) since the year 2004, and in the liquor store located after the CBP since 2007.

We give you this information without any financial obligation or expectations from our part, and remain reserving all rights and remedies.

Yours truly,



Mr. R.A. Lacle
Partner/Principal.

Calla G.F. (Betico) Croes 29, Oranjestad Aruba. Telephone (297) 582-2790 Fax (297) 582-2773

BNB 000820

EXHIBIT B

Sales of Balashi Products by Dufry to U.S. Customers at the Queen Beatrix International Airport in Aruba

Nationality	L Item		Year		2014		2015		Total	
			Destination		\$USD	Units	\$USD	Units	\$USD	Units
UNITED STATES	BALASHI BEER CANS 80z 12 PACK	AW0000701	USA	UNITED STATES	TRADE SECRET ATTORNEYS EYES ONLY	15	TRADE SECRET ATTORNEYS EYES ONLY	7	TRADE SECRET ATTORNEYS EYES ONLY	22
UNITED STATES	BALASHI BEER CAN 12 Oz	AW0000702	USA	UNITED STATES	TRADE SECRET ATTORNEYS EYES ONLY	286	TRADE SECRET ATTORNEYS EYES ONLY		TRADE SECRET ATTORNEYS EYES ONLY	286
UNITED STATES	BALASHI CHILL BEER CAN 12 Oz	AW0000708	USA	UNITED STATES	TRADE SECRET ATTORNEYS EYES ONLY	126	TRADE SECRET ATTORNEYS EYES ONLY		TRADE SECRET ATTORNEYS EYES ONLY	126
UNITED STATES	BALASHI BEER 12 Oz 12PK	AW0000717	USA	UNITED STATES	TRADE SECRET ATTORNEYS EYES ONLY	499	TRADE SECRET ATTORNEYS EYES ONLY	994	TRADE SECRET ATTORNEYS EYES ONLY	1,493
UNITED STATES	BALASHI CHILL 12 Oz 12PK	AW0000718	USA	UNITED STATES	TRADE SECRET ATTORNEYS EYES ONLY	118	TRADE SECRET ATTORNEYS EYES ONLY	236	TRADE SECRET ATTORNEYS EYES ONLY	354
Total					TRADE SECRET ATTORNEYS EYES ONLY	1,044	TRADE SECRET ATTORNEYS EYES ONLY	1,237	TRADE SECRET ATTORNEYS EYES ONLY	2,281

Opposer's Motion for Summary Judgment

EXHIBIT “T”

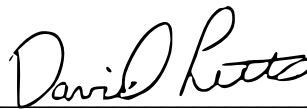
DECLARATION OF DAVID LETTS

1. My name is David Letts. I am a citizen of the United States of America and the State of New Jersey. I am over 21 years of age, of sound mind and otherwise fully competent to testify to matters set forth herein, and I voluntarily make this declaration based upon my personal knowledge of the facts set forth below.
2. I have been a consumer of BALASHI beer for approximately eight years. I discovered BALASHI beer during my first trip to Aruba with my wife. I particularly enjoy the light, refreshing taste of BALASHI CHILL. Since that time, I always think of BALASHI when I think of Aruba.
3. My wife and I enjoy Aruba so much that we have since purchased a vacation property in Aruba and regularly travel to Aruba from New Jersey. While in Aruba, I enjoy BALASHI, and at the end of each of my trips to Aruba, I bring a few six-packs of BALASHI beer home to the United States with me, where I share it with my neighbors, who have grown to love it.
4. My most recent trip to Aruba after which I carried some BALASHI beer home to the United States was approximately four weeks ago in September, 2015. Additionally, I am traveling again to Aruba soon and intend on bringing BALASHI beer back to New Jersey at the end of that trip as well.
5. Drinking BALASHI at home in New Jersey allows me to get a little of the island feeling at home in the U.S.

6. In my experience, BALASHI beer is popular among U.S. travelers to Aruba such as myself. While I enjoy BALASHI enough to make the effort to carry it back to the United States myself, it would be nice to be able to purchase it from within the United States.
7. Thus, I fully support the makers of the BALASHI beer in Aruba in their efforts to bring BALASHI beer into the United States, as I would like to know that when I am able to buy BALASHI beer from within the United States that its source is the one with which I am already familiar from my travels to and from Aruba.
8. I understand and consent that this Declaration may be used in a proceeding between Brouwerij Nacional Balashi N.V. and T & Beer, Inc., with respect to the BALASHI trademark.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

On this 29th day of October, 2015, FURTHER DECLARANT SAYETH NAUGHT.

A handwritten signature in black ink, appearing to read "David Letts", is written over a horizontal line.

DAVID LETTS

Opposer's Motion for Summary Judgment

EXHIBIT “Z”

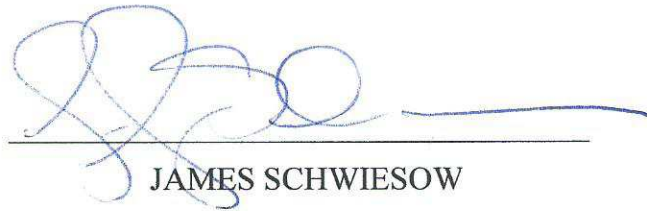
DECLARATION OF JAMES SCHWIESOW

1. My name is James Schwiesow. I am a citizen of the United States of America, am over 21 years of age, of sound mind, and otherwise fully competent to testify to matters set forth herein. I voluntarily make this declaration based upon my personal knowledge of the facts set forth below.
2. I have been traveling from the United States to Aruba for vacations for at least twenty years and estimate that I have made nearly thirty trips to Aruba and back to the United States during that time.
3. I have been a consumer of BALASHI beer ever since it came on the market in Aruba ~~in~~ ~~1999~~, and at the end of ~~each~~ of my trips to Aruba, I ~~buy~~ ^{MANY} some BALASHI beer in the duty free shop at the airport and ^{BOUGHT} ~~bring~~ a few six-packs of BALASHI home to the United States through U.S. Customs. ^{BROUGHT} Once home in the United States, I share my imported BALASHI, with friends and family. As an example, I have attached hereto, as Exhibit "A", excerpts from some of my credit card statements showing my purchases at the duty free shop in Aruba's airport. I have also attached, as Exhibit "B", a photograph of me holding a BALASHI at home in the United States.
4. In my experience, BALASHI beer is popular among U.S. travelers to Aruba such as myself. Drinking BALASHI at home in the United States reminds me of all the great times I have on vacation.
5. While I don't mind making the effort to carry BALASHI back to the United States myself, I would enjoy being able to purchase BALASHI within the United States.

6. Thus, I fully support the efforts of the Aruban makers of BALASHI to import into and offer BALASHI within the United States, because I would like to know that any BALASHI beer that I buy within the United States is from the same source as the one with which I am already familiar from my travels to and from Aruba.
7. I understand and consent that this Declaration may be used in a proceeding relating to the BALASHI trademark.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

On this 23RD day of Dec., 2015, FURTHER DECLARANT SAYETH NAUGHT.



A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

JAMES SCHWIESOW

Trans Date	Posting Date	Transaction Description	Amount
05/08	05/11	THUNDER BAY GRILLE PEW PEWAUKEE WI	\$46.69
05/14	05/18	USAIRWAY 03724027870931 800-428-4322 AZ SCHWIESOW/JAMESFREDE05/18/2015 MKE CLT AUA CLT MKE Agency: #03724027870931	\$734.10
05/14	05/18	USAIRWAY 03724027874114 800-428-4322 AZ SCHWIESOW/KYLEJAMES05/18/2015 MKE CLT AUA Agency: #03724027874114	\$441.80
05/15	05/18	ARUBA BEACH VILLAS NOORD ABW 01/01/95 TO 05/15/15	\$309.65
05/18	05/20	JAY S CAR RENTAL ORANJESTAD ABW 05/18/15	\$198.00
05/18	05/20	D GREAT AMER B12201315 CHARLOTTE NC	\$19.77
05/18	05/20	USAIRWAY 03724030962400 MILWAUKEE WI SCHWIESOW/JAMESFREDE05/18/2015 EBC FEE Agency: #03724030962400	\$25.00
05/18	05/20	LING & SONS SUPERMARKE ARUBA ABW	\$80.63
05/19	05/20	TURTLES NEST ORANJESTAD ABW	\$40.82
05/19	05/20	TEXACO SASAKI ORANJESTAD ABW	\$46.18
05/19	05/21	ARUBA BEACH VILLAS NOORD ABW 01/01/95 TO 05/19/15	\$309.65
05/19	05/21	ZUZUROH RESTAURANT & L NOORD ABW	\$47.50
05/20	05/22	THE PIZZA EMPIRE ARUBA ABW	\$37.27
05/21	05/22	TURTLES NEST ORANJESTAD ABW	\$15.53
05/21	05/25	EL GAUCHO RESTAURANT ORANJESTAD ABW	\$74.20
05/22	05/25	TURTLES NEST ORANJESTAD ABW	\$12.15
05/23	05/25	PZA E CLT 12203337 CHARLOTTE NC	\$8.21
05/23	05/25	TURTLES NEST ORANJESTAD ABW	\$29.42
05/23	05/25	DUFY ARUBA (AIRPORT 3 ORANJESTAD ABW	\$47.00
05/23	05/25	USAIRWAY 03724037757764 ARUBA ABW SCHWIESOW/JAMESFREDE05/23/2015 EBC FEE Agency: #03724037757764	\$25.00
Total Purchase Activity			\$2,548.57

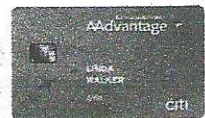


- BALASHI &
CHILL
DEPART
DATE

Summary of Fees and Interest

Fees Charged			
Trans Date	Posting Date	Transaction Description	Amount
Total Fees for this Period			\$0.00

BNB 000809



Account Summary

Trans. date	Post date	Description	Amount
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Payments, Credits and Adjustments

04/15		PAYMENT THANK YOU	-\$3,456.01
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Standard Purchases

03/26	03/28	MADAM JANETTE	ARUBA	ABW	\$83.24
03/27	03/28	THE PIZZA EMPIRE	ARUBA	ABW	\$39.06
03/28	03/28	LING & SONS SUPERMARKE	ARUBA	ABW	\$48.12
03/29	03/29	ALHAMBRA/THE COVE	ORANJESTAD	ABW	\$29.83
03/30	03/30	TWC*TIME WARNER CABLE	800-627-2285	WI	\$115.35
03/30	03/30	TEXACO SASAKI I	ORANJESTAD	ABW	\$45.89
03/31	03/31	WPS HEALTH INSURANCE	888-5270586	WI	\$205.81
03/31	03/31	LING & SONS SUPERMARKE	ARUBA	ABW	\$29.29
04/01	04/01	CREATION EDUCATION CTR	02622275636	WI	\$25.00
04/02	04/02	TURTLES NEST	ORANJESTAD	ABW	\$11.43
04/02	04/02	TURTLES NEST	ORANJESTAD	ABW	\$23.86
04/02	04/02	COSTA LINDA FRONT DESK	ORANJESTAD	ABW	\$756.79
PHONE NUMBER: 2975926300					
FOLIO NUMBER: xxxxxxxxxx					
ARRIVE: 01/01/95 DEPART: 04/02/15					
04/03	04/03	AU BON PAIN #4 Q50	DALLAS	TX	\$7.89
04/03	04/03	DUFY ARUBA (AIRPORT 3	ORANJESTAD	ABW	\$47.00
04/03	04/03	PIZZA HUT - CONCOURSE	MIAMI	FL	\$14.31
04/03	04/03	TURTLES NEST	ORANJESTAD	ABW	\$21.53
04/03	04/03	AMERICAN00102820554530	HOUNSLOW	ABW	\$25.00
NAME: SCHWIESOW/JAMES					
DEPART: 04/03/15					
04/03	04/03	AMERICAN00102820555090	HOUNSLOW	ABW	\$25.00
NAME: SCHWIESOW/KYLEJ					
DEPART: 04/03/15					

American Airlines
AAdvantage® Miles
Reported:

3,653

Purchase Miles 3,653

Accumulated This Month 3,653

» Visit aa.com/aadvantage
to redeem miles and book flights

American Airlines reserves the right to change the AAdvantage® program and its terms and conditions at anytime without notice, and to end the AAdvantage® program with six months notice. Any such changes may affect your ability to use the awards or mileage credits that you have accumulated. Unless specified, AAdvantage® miles earned through this promotion/offer do not count toward elite-status qualification or AAdvantage Million MilerSM status. American Airlines is not responsible for products or services offered by other participating companies. For complete details about the AAdvantage® program, visit www.aa.com/aadvantage

American Airlines, AAdvantage and AAdvantage Million Miler are trademarks of American Airlines, Inc.

BALASHI & CHILL

DEPART DATE



Opposer's Motion for Summary Judgment

Redacted to Protect Information
Designated as Confidential by Producing Party

EXHIBIT “D”

Archer&Greiner P.C.
ATTORNEYS AT LAW

Kerri E. Chewning
Also Member of Pennsylvania Bar
kchewning@archerlaw.com
856-616-2685 Direct
856-673-7166 Direct Fax

One Centennial Square
Haddonfield, NJ 08033
856-795-2121 Main
856-795-0574 Fax
www.archerlaw.com

January 11, 2016

VIA ELECTRONIC MAIL

Susan J. Latham, Esquire
Feldman Gale
One Biscayne Tower, 30th Floor
2 South Biscayne Boulevard
Miami, Florida 33131

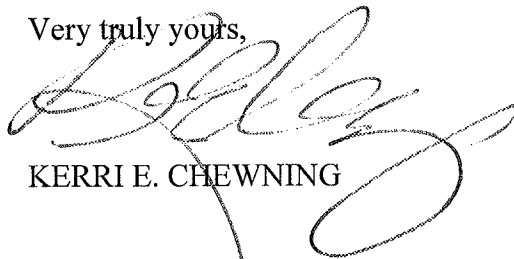
Re: Brouwerij Nacional Balashi N.V. v. t & beer, inc.,
Opposition No. 91223456

Dear Susan:

Enclosed are Applicant's Answers to Opposer's Initial Interrogatories and Responses to Opposer's First Request for Production of Documents. Certificates of Service are also enclosed.

Please note that the Answers to Interrogatories have been designated as "Confidential" under the terms of the Agreement and Protective Order. Documents will be produced separately and will bear appropriate confidentiality designations.

Very truly yours,



KERRI E. CHEWNING

Enclosures

cc: Jeffrey D. Feldman, Esquire (via electronic mail only)
Ashley G. Kessler, Esquire (via electronic mail only)
Gregory J. Winsky, Esquire (via electronic mail only)

ARCHER & GREI

A Professional Corporation

One Centennial Square

Haddonfield, NJ 08033

(856) 795-2121

Attorneys for Applicant

t & beer, inc.

By: GREGORY J. WINSKY, ESQUIRE

KERRI E. CHEWNING, ESQUIRE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application No.: 86/566,095

_____	:	Opposition No. 91223456
Brouwerij Nacional	:	
Balashi N.V.,	:	Serial No. 86/566,095
	:	MARK: BALASHI SPIRITS
Opposer,	:	
	:	
v.	:	
	:	
t & beer, inc.,	:	
	:	
Applicant.	:	
_____	:	


**APPLICANT t & beer, inc. ANSWERS TO
OPPOSER'S FIRST SET OF INTERROGATORIES**

Applicant t & beer, inc. ("t & beer" or "Applicant"), hereby provides the following
Objections and Answers to Opposer's First Set of Interrogatories. Please note that the following
Answers are CONFIDENTIAL subject to the terms of the Parties' Agreement and Protective
Order.

VERIFICATION

I declare under penalty of perjury that the answers to the Interrogatories above are true
and correct.

Executed on Jan. 11, 2016.

Signature: 
Name: Thomas J. Simine
Title: President

113608957v1

CERTIFICATE OF SERVICE

I, Kerri E. Chewning, Esquire, hereby certify that on January 11, 2016, I served the foregoing Answers to Opposer's First Set of Interrogatories on behalf of t & beer, inc. upon counsel for Opposer via electronic mail at the following address:

Susan J. Latham, Esquire
SLatham@FeldmanGale.com



KERRI E. CHEWNING, ESQUIRE

Opposer's Motion for Summary Judgment

Redacted to Protect Information
Designated as Confidential by Producing Party

EXHIBIT “E”

Archer&Greiner P.C.
ATTORNEYS AT LAW

Kerri E. Chewning
Also Member of Pennsylvania Bar
kchewning@archerlaw.com
856-616-2685 Direct
856-673-7166 Direct Fax

One Centennial Square
Haddonfield, NJ 08033
856-795-2121 Main
856-795-0574 Fax
www.archerlaw.com

January 14, 2016

VIA ELECTRONIC MAIL

Susan J. Latham, Esquire
Feldman Gale
One Biscayne Tower, 30th Floor
2 South Biscayne Boulevard
Miami, Florida 33131

Re: Brouwerij Nacional Balashi N.V. v. t & beer, inc.,
Opposition No. 91223456

Dear Susan:

Enclosed is Applicant's Supplemental Answer to Interrogatory No. 3 of Opposer's Initial Interrogatories. A Certificate of Service are also enclosed.

Please note that the Answer has been designated as "Confidential" under the terms of the Agreement and Protective Order.

Very truly yours,


KERRI E. CHEWNING

Enclosures

cc: Jeffrey D. Feldman, Esquire (via electronic mail only)
Ashley G. Kessler, Esquire (via electronic mail only)
Gregory J. Winsky, Esquire (via electronic mail only)

ARCHER & GREINER

A Professional Corporation

One Centennial Square

Haddonfield, NJ 08033

(856) 795-2121

Attorneys for Applicant

t & beer, inc.

By: GREGORY J. WINSKY, ESQUIRE

KERRI E. CHEWNING, ESQUIRE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application No.: 86/566,095

	:	Opposition No. 91223456
Brouwerij Nacional	:	
Balashi N.V.,	:	Serial No. 86/566,095
	:	MARK: BALASHI SPIRITS
Opposer,	:	
	:	
v.	:	
	:	
t & beer, inc.,	:	
	:	
Applicant.	:	

**APPLICANT t & beer, inc. SUPPLEMENTAL ANSWER TO
INTERROGATORY NO. 3 OF OPPOSER'S FIRST SET OF INTERROGATORIES**

Applicant t & beer, inc. ("t & beer" or "Applicant"), hereby provides the following Objections and Supplemental Answer to Interrogatory No. 3 of Opposer's First Set of Interrogatories. Please note that the following Answer is CONFIDENTIAL subject to the terms of the Parties' Agreement and Protective Order. t & beer incorporates by reference all prior Objections raised in its initial Answers as if fully set forth herein.

VERIFICATION

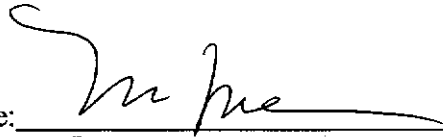
I declare under penalty of perjury that the Amended Supplemental Answer to Opposer's Interrogatory No. 3 above is true and correct.

Executed on 1-21-, 2016.

Signature: _____

Name: _____

Title: _____


Thomas J. Simone
President

Opposer's Motion for Summary Judgment

Redacted to Protect Information
Designated as Confidential by Producing Party

EXHIBIT “H”

Opposer's Motion for Summary Judgment

EXHIBIT “G”

January 22, 2016

VIA ELECTRONIC MAIL

Susan J. Latham, Esquire
Feldman Gale
One Biscayne Tower, 30th Floor
2 South Biscayne Boulevard
Miami, Florida 33131

**Re: Brouwerij Nacional Balashi N.V. v. t & beer, inc.,
Opposition No. 91223456**

Dear Susan:

Enclosed is Applicant's Certification for its Amended Supplemental Answer to Interrogatory No. 3 of Opposer's Initial Interrogatories.

Also enclosed are Applicant's Supplemental Responses to Opposer's Document Request along with a Certificate of Service. Also included is a link to the supplemental production of Applicant's responsive, non-privileged documents.

Very truly yours,

/s/ Kerri E. Chewning

KERRI E. CHEWNING

Enclosures

cc: Jeffrey D. Feldman, Esquire (via electronic mail only)
Ashley G. Kessler, Esquire (via electronic mail only)
Gregory J. Winsky, Esquire (via electronic mail only)

ARCHER & GREINER
A Professional Corporation

One Centennial Square
Haddonfield, NJ 08033

(856) 795-2121

Attorneys for Applicant

t & beer, inc.

By: GREGORY J. WINSKY, ESQUIRE

KERRI E. CHEWNING, ESQUIRE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application No.: 86/566,095

Brouwerij Nacional
Balashi N.V.,

Opposer,

v.

t & beer, inc.,

Applicant.

: Opposition No. 91223456

:

: Serial No. 86/566,095

: MARK: BALASHI SPIRITS

:

:

:

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**APPLICANT’S SUPPLEMENTAL RESPONSES TO OPPOSER’S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Applicant t & beer, inc. (“t & beer” or “Applicant”), hereby provides the following
Supplemental Responses to Opposer’s First Set of Requests for Production of Documents.

GENERAL OBJECTIONS

1. t & beer objects to these Requests to the extent that the Requests purport to impose
obligations to answer or supplement that exceed the requirements of the Trademark Trial and
Appeal Board or Federal Rules of Civil Procedure.

2. t & beer objects to these Requests to the extent that they seek production of attorney-client privileged and/or work-product protected information.

3. t & beer objects to these Requests to the extent they seek production of confidential and proprietary business information.

4. t & beer objects to these Requests to the extent they seek irrelevant information regarding trademarks that are not at issue in this proceeding.

t & beer reserves the right, and acknowledges its obligation, to supplement these Responses.

RESPONSES TO REQUESTS

1. All communications from any consumer(s) that contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Applicant further objects to this Interrogatory on the grounds that it requests confidential and proprietary business information. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” trademark, there are no such documents.

2. A sample of each advertisement published prior to or on March 17, 2015 that contains the word “Balashi”.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” there are no such advertisements published on or before the specified date.

3. All documents in existence prior to or on March 17, 2015 that refer to Opposer.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Subject to and without waiving any objections, Applicant states none beyond documents filed and served in connection with this action and no documents were existence on or before the specified date.

4. All documents in existence prior to or on March 17, 2015 that refer to Opposer's Marks.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Subject to and without waiving any objections, Applicant states none beyond documents filed and served in connection with this action and no documents were existence on or before the specified date.

5. All documents in existence prior to or on March 17, 2015 evidencing your advertising efforts for any alcoholic beverage product offered to consumers in connection with a trademark that contains the word "Balashi."

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the "Balashi Spirits" trademark, there are no such advertisements on or before the specified date.

6. All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the United States government, including but not limited to the TTB, which contain the word "Balashi."

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the "Balashi Spirits" trademark, there are no such applications on or before the specified date.

7. All communications prior to or on March 17, 2015 between you and the TTB that relate to any application for approval of a label containing the word "Balashi."

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that there are none with respect to "Balashi Spirits" on or before the specified date.

8. All plans in existence prior to or on March 17, 2015 evidencing your intent to offer distilled spirits under the BALASHI SPIRITS trademark.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and that the phrase “all plans” is vague. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents on or before the specified date.

9. All plans in existence prior to or on March 17, 2015 evidencing your intent to offer any alcoholic beverage product under the BALASHI SPIRITS trademark.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and that the phrase “all plans” is vague. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents non-privileged on or before the specified date.

10. A sample of each package in existence prior to or on March 17, 2015, including but not limited to labels and bottles, which contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents on or before the specified date but that a sample label has been produced at BAL0006.

11. All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the State of New York’s government, which contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to

and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents on or before the specified date.

12. All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the State of New Jersey’s government, which contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents on or before the specified date.

13. All e-mail sent or received by Thomas Simone that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, copies of responsive, non-privileged documents regarding the “Balashi Spirits” trademark have been provided subject to the parties’ Agreement and Protective Order. See BAL00025, BAL00039-41, BAL00043, BAL00044.

14. All e-mail sent or received by Geraldine Simone that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents.

15. All e-mail sent or received by Fermin Perez that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents.

16. All e-mail sent or received by John Jablonski that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents.

17. All e-mail sent or received by Jim Adubato that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents.

18. All e-mail from any employee of the Applicant that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, copies of responsive, non-privileged documents regarding the “Balashi Spirits” trademark have been provided subject to the parties’ Agreement and Protective Order. See BAL00025, BAL00039-41, BAL00043, BAL00044.

19. All communications prior to or on March 17, 2015 between you and any manufacturer of alcoholic beverages that contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” trademark, there are no documents prior to the specified date.

20. All communications prior to or on March 17, 2015 between you and any graphic artist or designer that contains the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that related to the “Balashi Spirits” trademark, there are no such documents on or before the specified date but that a sample label has been produced at BAL0006. See also BAL00039 – 00043.

21. All agreements entered into prior to or on March 17, 2015 that contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request on the grounds that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” trademark, there are no documents prior to the specified date.

22. All invoices issued prior to or on March 17, 2015 that contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request on the grounds that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” trademark, there are no documents prior to the specified date.

23. All communications that you sent to Opposer prior to or on March 17, 2015.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks production of information already in Opposer’s possession or equally accessible to Opposer. Subject to and without waiving any objections, Applicant states there are no such documents prior to the specified date.

24. All communications that you received from Opposer prior to or on March 17, 2015.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks production of information already in Opposer's possession or equally accessible to Opposer. Subject to and without waiving any objections, Applicant states there are no such documents prior to the specified date.

25. All documents that were in existence prior to or on March 17, 2015 that evidence your bona fide intent to use the BALASHI SPIRITS trademark in connection with distilled spirits.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Subject to and without waiving any objections, Applicant states that related to the "Balashi Spirits" trademark, there are no such non-privileged documents on or before the specified date.

26. All documents that were in existence prior to or on March 17, 2015 that evidence your bona fide intent to use the BALASHI trademark in connection with any alcoholic beverage.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue.

27. All certificates of label approval issued to you by the TTB, which contain the word "Balashi."

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the "Balashi Spirits" trademark, there are no documents prior to the specified date.

28. All documents that were in existence prior to or on March 17, 2015, which relate to the creation or origin of the BALASHI mark.

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad, is unduly burdensome, and seeks irrelevant information in that it is not limited to the mark at issue.

29. All documents, including but not limited to ESI, in existence prior to or on March 17, 2015 that contain the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request to the extent that it seeks attorney-client and/or work-product privileged documents. Applicant further objects to this Request to the extent that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad, is unduly burdensome, and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to “Balashi Spirits,” copies of any responsive, non-privileged documents have been provided subject to the parties’ Agreement and Protective Order. See BAL00001 – BAL00044.

30. Documents sufficient to identify all products and/or services that you offer for sale to consumers in connection with a trademark containing the word “Balashi.”

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it seeks confidential and proprietary business information. Applicant further objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states that with respect to the “Balashi Spirits” trademark, there are no responsive documents in that Applicant does not yet offer any products for sale bearing the “Balashi Spirits” trademark.

31. All consumer surveys that refer to any of Opposer’s Marks and/or any trademark containing the word “Balashi” which Applicant has applied to register with the USPTO.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states there are no responsive documents.

32. All documents evidencing actual consumer confusion relating to any of Opposer's Marks and any trademark containing the word "Balashi" which Applicant has applied to register with the USPTO.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states none because Opposer does not offer any products for sale in the United States.

33. All documents evidencing a likelihood of consumer confusion relating to any of Opposer's Marks and any trademark containing the word "Balashi" which Applicant has applied to register with the USPTO.

RESPONSE: In addition to the General Objections, Applicant objects to this Request on the grounds that it is overly broad and seeks irrelevant information in that it is not limited to the mark at issue. Subject to and without waiving any objections, Applicant states none because Opposer does not offer any products for sale in the United States.

ARCHER & GREINER
A Professional Corporation
Attorneys for Applicant
t & beer, inc.

By: /s/ Kerri E. Chewning
GREGORY J. WINSKY, ESQUIRE
KERRI E. CHEWNING, ESQUIRE

Dated: January 22, 2016.

CERTIFICATE OF SERVICE

I, Kerri E. Chewning, Esquire, hereby certify that on January 22, 2016, I served the foregoing Supplemental Responses to Opposer's First Set of Requests for Production of Documents and Things on behalf of t & beer, inc. upon counsel for Opposer via electronic mail at the following address:

Susan J. Latham, Esquire
SLatham@FeldmanGale.com

/s/ Kerri E. Chewning
KERRI E. CHEWNING, ESQUIRE

113717937v1

EXHIBIT “P”

Part 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

DECLARATION OF PAUL DISCH

1. My name is Paul Disch. I am the Managing Director of Brouwerij Nacional Balashi N.V.. I am over 21 years of age, of sound mind and otherwise fully competent to testify to matters set forth herein.

2. I voluntarily make this declaration based upon my personal knowledge of the facts set forth below, including but not limited to my review and familiarity with the corporate history, records and other documents kept in the regular course of Brouwerij Nacional Balashi N.V.'s ("BNB") business.

3. BNB has been doing business in Aruba since 1999, including through the production, marketing and sale of beer to consumers under the BALASHI mark.

4. BNB has owned the registration of the domain name Balashi.com since September 1999. A true and correct copy of the domain name registration is attached hereto as **Exhibit 1** (BNB 001014).

5. BALASHI beer is produced in Aruba; however, packaging bearing the BALASHI mark into which the beer is placed is made in the United States. Attached hereto as **Exhibit 2** are true and correct copies of documents marked BNB 001717-1823, which are examples of orders, invoices and shipments of BALASHI cartons and cans purchased from the United States and shipped to Aruba for use in packaging and marketing BALASHI beer.



6. Many Americans have toured BNB's BALASHI brewery. Attached hereto as **Exhibit 3** are true and correct copies of documents marked BNB 000708-731, which are examples of pages from on of BNB's brewery tour guest book. Signing the book is voluntary; thus, not every visitor who tours our brewery signs the book.

7. Many Americans have also written to BNB over the years expressing interest in various matters relating to BALASHI beer, such as where they could buy BALASHI beer in the United States, whether BALASHI beer could be shipped to them in the United States, becoming distributors of BALASHI beer in the United States market, where they could buy Balashi souvenir merchandise such as t-shirts, and arranging for tours of the brewery, among other things. Attached hereto as **Exhibit 4** are true and correct examples of communications that BNB has received from U.S. consumers. (BNB 000732-734; 736; 741-43; 745; 747; 754; 758; 761; 763; 765-67; 769; 771-73; and 775-76).

8. In 2004, BNB began making export sales to Dufry Aruba, N.V., which would then make duty-free sales of BALASHI beer to consumers departing Aruba from its duty-free shops in Reina Beatrix International Airport, including to consumers on U.S.-bound flights.

9. BNB has continuously sold BALASHI beer to Dufry Aruba, N.V. for export since 2004. Attached hereto as **Exhibits 5, 6, 7, and 8** are true and correct copies of documents marked BNB 0001503-05, 1509-10, 1511-13, 1517-20, 1539-42, 1556-58, 1561-63, 1564-65, 1570-71, 1573-75, 1577-82, 1584-87, 1595-99, 1602-08, 1612-13, 1619-20, 1624-26, 1627-31, 1633-36, 1637-41, 1648-54, 1668-74, 1675-79, 1685-88, 1689-92, 1693-96, and 1712-1716, which are examples of BNB's continuous sales, throughout the years from 2012 to 2015, of BALASHI beer for duty-free export. Export documentation was completed for each sale.

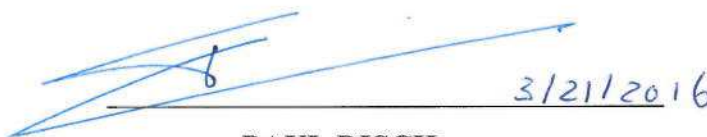
10. Additionally, and previous to March 17, 2015 (*the date that T & Beer filed its application to register BALASHI SPIRITS*), BNB engaged in formal discussions with a United States entity with respect to establishing distribution within the United States for BNB's BALASHI beer toward making it more convenient for U.S. consumers to obtain BNB's BALASHI beer.

11. As part of those discussions, steps were taken to obtain a Certificate of Label Approval ("COLA") from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau ("TTB") in order to prepare for proper distribution of BALASHI beer inside the United States. Attached hereto as **Exhibit 9** is a true and correct copy of the COLA obtained from the TTB (BNB 000427-29).

12. BNB's efforts to establish distribution within the United States are ongoing, proprietary and confidential. In the meanwhile, BNB continues to export BALASHI beer to the United States by means of duty-free sales made through Dufry Aruba N.V.'s shops in the Reina Beatrix International Airport.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

On this 21 day of March 2016, FURTHER DECLARANT SAYETH NAUGHT.



PAUL DISCH
Managing Director
Brouwerij Nacional Balashi N.V.

Declaration of Paul Disch

EXHIBIT 1

Whois Lookup

Who owns it?

balashi.com

Look Up

Domains → Whois → Results

balashi.com

Domain Name: BALASHI.COM
Registry Domain ID: 9807383_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.networksolutions.com
Registrar URL: http://networksolutions.com
Updated Date: 2015-01-28T23:25:43Z
Creation Date: 1999-09-04T11:49:18Z
Registrar Registration Expiration Date: 2022-09-04T04:00:00Z
Registrar: NETWORK SOLUTIONS, LLC.
Registrar IANA ID: 2
Registrar Abuse Contact Email: abuse@web.com
Registrar Abuse Contact Phone: +1.8003337680
Reseller:
Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited
Registry Registrant ID:
Registrant Name: Brouwerij Nacional Balashi
Registrant Organization: Brouwerij Nacional Balashi
Registrant Street: Balashi z/n
Registrant City: Sta. Cruz
Registrant State/Province: not applicable
Registrant Postal Code: 00000
Registrant Country: AW
Registrant Phone: +297.5854805
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: no.valid.email@worldnic.com
Registry Admin ID:
Admin Name: Brouwerij Nacional Balashi
Admin Organization: Brouwerij Nacional Balashi
Admin Street: Balashi z/n
Admin City: Sta. Cruz
Admin State/Province: not applicable
Admin Postal Code: 00000
Admin Country: AW
Admin Phone: +297.5854805
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: marketing@cocacola.aw
Registry Tech ID:
Tech Name: Brouwerij Nacional Balashi
Tech Organization: Brouwerij Nacional Balashi
Tech Street: Balashi z/n
Tech City: Sta. Cruz
Tech State/Province: not applicable
Tech Postal Code: 00000
Tech Country: AW
Tech Phone: +297.5854805
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: marketing@cocacola.aw
Name Server: WNS2015.HOSTGATOR.COM
Name Server: WNS2016.HOSTGATOR.COM
DNSSEC: Unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
>>> Last update of whois database: Wed, 06 Jan 2016 04:10:39 GMT

Need help? We're always here for you.

Chat with a Live Person



We make registering, hosting, and managing domains for yourself or others easy and affordable, because the internet needs people.

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Read our blog →

Join Our Newsletter

We'll send you news and offers twice a month.

you@yours.com

Join



Domains

Registration
Transfer
New TLDs
Personal Domain
Marketplace
Whois
FreeDNS

Hosting

Shared Hosting
Reseller Hosting
VPS Hosting
Dedicated Servers
Private Email Hosting

FreeDNS

WhoisGuard

SSL Certificates

Comodo
Geotrust
Thawte
Symantec
Organization Validation
Domain Validation
Extended Validation
Single Domain
Wildcard
Multi-Domain

Resellers

SSL Certificates
Reseller Hosting

Affiliates

Support

Support Center
Status Updates
Knowledgebase
Submit Ticket
Live Chat
Community Forums
Report Abuse

Careers

Send us Feedback



Declaration of Paul Disch

EXHIBIT 2

Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

PURCHASE ORDER

Order No PO012669
05/28/12

Phone: (297) 585-4805 Fax: (297) 585-6144

To Timbar Packaging & Displa Deliver To Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

Account Code VTIM07 Account Name Timbar Packaging & Display Page 1
Delivery Date 05/10/2012 Comments TIMBAR

Item Code	Description	Quantity	Unit Price	UOM	Total
R825034	Balashi carton new design	28,130.000			

CONFIDENTIAL
ATTORNEYS EYES ONLY

Order Total

CONFIDENTIAL
ATTORNEYS EYES
ONLY

Approved by Date

GECONTROLEERD 29 MEI 2012

BNB 001717 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Additional Cost Reference: 0000012726 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CARTON	C1 C2 C3			0000012725	42612-4	PO 012669
	CONFIDENTIAL					
	ATTORNEYS EYES ONLY					
Totals	C1 C2 C3					

Section 2 - Weighting Calculation

S Movem.	Ref	Mov. Line	Batch	Line	Orig. PO	Item Code	Quantity	Charge Factor QTY	Index Factor	Weighting
Line 001										
	PO 012669	0001	40206	1	001	R825034	28130.00000	28130.00000	1.00000	28130.00000
							28130.00000	28130.00000		28130.00000
Totals Line 001										

Section 3 - Charges applied to C1 - LATEST

S Movem.	Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001						
		Value C1 - Total value to be charged :		8964.96000		
	PO 012669	0001 R825034	39148.80230	1.00000	8964.96000	48113.76230
					8964.96000	48113.76230
Sub-Totals Line 001			39148.80230			
					8964.96000	48113.76230
Control Totals C1			39148.80230			

END OF REPORT

Additional Cost Reference: 0000012770 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CARTON	C1 C2 C3			0000012725	42612-4	PO 012669
Totals	C1 C2 C3					

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ATTORNEYS EYES ONLY

Section 2 - Weighting Calculation

S Movem. Ref	Mov. Line	Batch	Line	Orig. PO	Item Code	Quantity	Charge Factor QTY	Index Factor	Weighting
Line 001									
PO 012669	0001	40206	1	001	R825034	28130.00000	28130.00000	1.00000	28130.00000
Totals Line 001						28130.00000	28130.00000		28130.00000

Section 3 - Charges applied to C1 - LATEST

S Movem. Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001	Value C1 - Total value to be charged :		225.00000		
PO 012669	0001 R825034		1.00000	225.00000	
Sub-Totals Line 001				225.00000	
Control Totals C1				225.00000	

CONFIDENTIAL
ATTORNEYS EYES ONLY

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ATTORNEYS EYES ONLY

END OF REPORT

Additional Cost Reference: 0000012877 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CARTON	C1 C2 C3			0000012725	42612-4	PO 012669
Totals	C1 C2 C3					

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Section 2 - Weighting Calculation

S Movem.	Ref	Mov.	Line	Batch	Line	Orig.	PO	Item Code	Quantity	Charge Factor	Index Factor	Weighting
										QTY		
Line 001												
	PO 012669		0001	40206		1	001	R825034	28130.00000	28130.00000	1.00000	28130.00000
Totals Line 001									28130.00000	28130.00000		28130.00000

Section 3 - Charges applied to C1 - LATEST

S Movem.	Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001						
	PO 012669	0001 R825034		50.00000		
				1.00000	50.00000	
Sub-Totals Line 001					50.00000	
Control Totals C1					50.00000	

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*** ATTORNEYS**
EYES ONLY

CONFIDENTIAL
ATTORNEYS
EYES ONLY

END OF REPORT

Journal Type: ALL

Journal Source: ALL

Journal number: 0029949

Entry Period: 05/2012

[illegible]

Journal Number: 0029949 Type: AP002 Name: INVOICE REVERSAL

Entry Date: 05/28/2012 Source: KAE

1	VTIM07	Timbar Packaging & Display	04/26/12	04/26/2012
		TIMBAR	05/2012	42612-4
2	641120	Bankcharges	04/26/12	
		TIMBAR	05/2012	42612-4

****CONFIDENTIAL****
ATTORNEYS EYES ONLY

Journal Totals

Report Totals

END OF REPORT

BNB 001721 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Journal Type: ALL

Journal Source: ALL

Journal Number: 0029950

Entry Period: 05/2012

Analysis Codes										
Line No.	Account Code	Account Name Description	Trans Date Due Date		Debit Amount	Credit Amount	Analysis Codes			
			Period	Reference			Other Amount	Other Amount	DEPT	DAY
			Asset	Asset Name	Sub Code	V/I/D				

Journal Number: 0029950

Type: AP002

Name: INVOICE REVERSAL

Entry Date: 05/28/2012

Source: KAE

1	VLAN09	Landstar Global Logostics	04/27/12	05/27/2012						
		LANDSTAR	05/2012	NAV47082FI						
2	641120	Bankcharges	04/27/12							
		LANDSTAR	05/2012	NAV47082FI						

Journal Totals

Report Totals

END OF REPORT

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TIMBAR PACKAGING & DISPLAY
3500 N.W. 110th Street
Miami, Florida 33167-3793
DIVISION OF TIM-BAR CORPORATION
FID# 23-1620521-03

Phone: 305-685-8956
954-463-8366
Fax: 305-688-0547

INVOICE# 42612-4
DATE 04/26/12

Remit To: P.O. Box 680519
Miami, Florida
33168-0519

SOLD TO: 2002015
BROUWERIJ NATIONAL BALASHI N.V.
P.O. BOX 5327
SANTA CRUZ, ARUBA FL 00001-0000

SHIP TO: BROUWERIJ NATIONAL BALASHI N.V.
P.O. BOX 5327
SANTA CRUZ, ARUBA FL 00001

BOOKING #: MIA3054195A
CONTAINER #: SMLU 781714-0
SEAL #: 1165179

Freight: Prepaid

Your PO. No.	Qty Ordered	# of units	Weight	Description	Price /M	TOTAL
Our Order No.		Total Pieces				

AD. 250736
RONNIE452012 30,000
3088365

37 17986
28,130

BALASHI BEER-24 PK 8 OZ.

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ONLY

RF

12669 / 12725

* ALL GOODS WERE MANUFACTURED IN THE UNITED STATES OF AMERICA.

A/P COMPANY	TBC	BAB	BGG	Vendor #	VTim07
Period: MAY '12				Jrn #	
Acc nr: 250736				Dept #	0109
125201	39148	86			
VTim07	39148	86			
VTim07	944,38				
641120	944,38			41101	
Payment Approval				Date	
Cheq/Trnsf #				Date	

3way matching		
Ref:	12079	✓
PO	250736	✓
Invoice	42612-4	✓
Landed cost	Receipt	✓
	Freight	✓
	Hauling	N/A
	Duties	N/A
	Excise	N/A
Back	Posting	✓
	Payment	
	Various	

Total Weight = 17,986

Total Sqft =

148,313

Total Units = 37

Total Pieces =

28,130

KD flat corrugated cartons.

This is a true and correct certified copy.

Amanda Milligan

TOTAL

\$

CONFIDENTIAL
ATTORNEYS EYES
ONLY

THE GOODS LISTED HEREON WERE MANUFACTURED IN ACCORDANCE WITH THE FAIR STANDARDS ACT OF 1938. ANY CLAIM FOR DAMAGE OR SHORTAGE MUST BE MADE WITHIN FIVE DAYS FROM DATE OF THIS INVOICE. ALL ORDERS ARE SUBJECT TO A 10% OVERRUN OR UNDERRUN.

INTEREST AT THE RATE OF 1-1/2% PER MONTH WILL BE CHARGED ON ALL PAST DUE INVOICE

BNB 001723 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

REC MAY-10-2012



LANDSTAR GLOBAL LOGISTICS (NAV)
6308 Wood Lake Road
Jupiter, FLORIDA 33458
United States

PHONE: (561) 691-9299
FAX: (561) 658-6347

oceanbus@landstar.com
www.landstar.com

INVOICE

Customer: BALASHI BROUWERIJ NACIONAL
BALASHI Z/N
ORANJESTAD
ARUBA

Date: Apr-27-2012
Invoice No: NAV-47082FI
Credit Terms: ON RECEIPT / BEFORE RELEASE
File: NAV-44559

Attn: RONNIE GOMEZ

Authorized By: BALASHI BROUWERIJ NACIONAL

Sales Person: GD GEORGE DONALDSON

House Bill of Lading No.:	NAV-44559	Shipper:	TIMBAR PACKAGING & DISPLAY 3500 NW 110ST Miami, FL, 33168 1-305-685-8956 1-305-688-0547
Vessel/Voyage:	Seaboard Star 344	Consignee:	BROUWERIJ NATIONAL BALASHI N.V. PO BOX 5237 ORANJESTAD ARUBA 011-297-59-76542
Port of Loading:	MIAMI, FLORIDA	Sailing Date:	Apr-27-2012
Port of Discharge:	ORANJESTAD	Arrival Date:	Apr-30-2012
Place of Receipt:	MIAMI, FL	Place of Delivery:	

Description of Charges	Quantity	UOM	Rate	Amount
FREIGHT CHARGE	1.00	FLT	9,400.00	9,400.00
DOCUMENTATION	1.00	FLT	70.00	70.00
CUSTOMS CLEARANCE	1.00	FLT	150.00	150.00
ADDITIONAL CUSTOMS CHARGES	1.00	FLT	40.00	40.00
DESTINATION TERMINAL HANDLING	1.00	FLT	170.00	170.00
Sub-Total				9,830.00
TOTAL				USD 9,830.00

Shipment Description: 201
2X40'HC CORRUGATED CAR
INVOICE# 42112-2

VLAN09
641120
Payment Approval
Cheq/Trnst #

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AL*
ATTORNEYS
EYES ONLY

Amount Debited in two
Invoices of Timbar.

Remit Payment To:
Landstar Global Logistics, Inc.
P.O. BOX 8500-54302
PHILADELPHIA PA 19178-4302

LANDSTAR has a policy against payment, solicitation
or receipt of any rebate, directly or indirectly, which
would be unlawful under the United States Shipping
Act of 1964.

All transactions are made in accordance with
the National Customs Brokers & Forwarders
Association of America, Inc. Terms and conditions.



The Tropical Bottling Company of Aruba Ltd.



BROUWERIJ NACIONAL BALASHI N.V.

BALASHI Z/N, P.O. BOX 145
Phone: (297) 5854805 • Fax: (297) 5856144
E-mail: consumers@cocacola.aw

BILL TO:

☐
☐

PURCHASE ORDER

Aruba May 10 - 2012

250736

This number must appear on all invoices, delivery notes, boxes and packages.

Supplier:

Timbar Packaging

Quantity	Unit	Item	Expense		Cost
			Maintenance	Fixed Assets	Unit
1	Cart.	40 FOOT BALASHI BOXES 37 PLTS 28.150 BOXES ATTN: LAM BREWER			# + FREIGHT AND HANDLING CHARGES

***CONFIDENTIAL*
ATTORNEYS
EYES ONLY**

PG 88903

Department:

R/M - W/H

Subject:

R/M Special

Requested by:

R. Gomez

Approved by:

COPY ACCOUNTING

*Approved Accounting:

*See authorization list

25 May '201
K. el Attar

Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

PURCHASE ORDER

Order No PO012463
04/18/12

Phone: (297) 585-4805 Fax: (297) 585-6144

To Timbar Packaging & Displa Deliver To Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

Account Code VTIM07 Account Name Timbar Packaging & Display Page 1
Delivery Date 04/10/2012 Comments TIMBAR

Item Code	Description	Quantity	Unit Price	UOM	Total
R890020	Carton 20 oz Contour	11.200			
R890002	Carton 2 Lt Contour	26.400			
R825034	Balashi carton new design	18.500			

CONFIDENTIAL
ATTORNEYS EYES ONLY

Order Total

CONFIDENTIAL
ATTORNEYS EYES
ONLY

Approved by Date

BNB 001727 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

GECONTROLEERD 23 APR 2012

Additional Cost Reference: 0000012521 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CARTONS	C1 C2 C3			0000012520	32212-2	PO 012463
Totals	C1 C2 C3					

CONFIDENTIAL
ATTORNEYS EYES
ONLY

Section 2 - Weighting Calculation

S Movem.	Ref	Mov.	Line	Batch	Line	Orig.	PO	Item Code	Quantity	Charge Factor	Index Factor	Weighting
										QTY		
Line 001												
PO 012463	0001	39468	1	001	R890020				11.20000	11.20000	1.00000	11.20000
PO 012463	0002	39468	2	002	R890002				26.40000	26.40000	1.00000	26.40000
PO 012463	0003	39468	3	003	R825034				18.50000	18.50000	1.00000	18.50000
Totals Line 001									56.10000	56.10000		56.10000

Section 3 - Charges applied to C1 - LATEST

S Movem.	Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001		Value C1 - Total value to be charged :		9490.27000		
PO 012463	0001	R890020		0.19964	1894.63750	
PO 012463	0002	R890002		0.47058	4465.93125	
PO 012463	0003	R825034		0.32976	3129.70125	
Sub-Totals Line 001					9490.27000	
Control Totals C1					9490.27000	

CONFIDENTIAL
ATTORNEYS EYES
ONLY

CONFIDENTIAL
ATTORNEYS EYES
ONLY

END OF REPORT

TIMLAR PACKAGING & DISPLAY
3506 N.W. 110th Street
Miami, Florida 33167-3793
DIVISION OF TIM-BAR CORPORATION
FID# 23-1620521-03

Phone: 305-685-8956
954-463-8366
Fax: 305-688-0547

INVOICE# 32212-2
DATE 03/22/12

Remit To: P.O. Box 680519
Miami, Florida
33168-0519

SOLD TO: 2002015
BROUWERIJ NATIONAL BALASHI N.V.
P.O. BOX 5327
SANTA CRUZ, ARUBA FL 00001-0000

SHIP TO: BROUWERIJ NATIONAL BALASHI N.V.
P.O. BOX 5327
SANTA CRUZ, ARUBA FL 00001

BOOKING #: MIA 3031925
CONTAINER #: GLDU 704692-0
SEAL #: 1165486

Freight: Prepaid

Your PO. No.	Qty Ordered	# of units	Weight	Description	Price /M	TOTAL
Our Order No.		Total Pieces				
248990 3080956	11,400	5	11,200	20 OZ. PET CONTOUR	\$	
249784 3083068	26,400	11	26,400	2 LITER PET CONTOUR	\$	
249784 3086244	19,000	25	18,500	BALASHI BEER-24PK 8 OZ.	\$	

***CONFIDENTIAL
* ATTORNEYS
EYES ONLY**

* ALL GOODS WERE MANUFACTURED IN THE UNITED STATES OF AMERICA.

AP COMPANY	✓	UTIM07
Period: APR'12		
Acc no: 249784		0100
125201		
VTIM07		
VTIM07		
641120		
Payment Approval		
Checklist #		

***CONFIDENTIAL*
ATTORNEYS
EYES ONLY**

3way matching		
Ref:	12050	✓
PO	249784	✓
Invoice	32212-2	✓
Landed cost	Receipt	✓
	Freight	✓
	Handling	100% N/A
	Duties	N/A
	Excise	N/A
Back	Posting	✓
	Payment	
	Various	

Total Weight = 22,568
Total Units = 41
Total Sqft = 187,102
Total Pieces = 56,100

KD flat corrugated cartons.
This is a true and correct certified copy.

Amanda Milligan

TOTAL

***CONFIDENTIAL*
ATTORNEYS
EYES**

THE GOODS LISTED HEREON WERE MANUFACTURED IN ACCORDANCE WITH THE FAIR STANDARDS ACT OF 1938. ANY CLAIM FOR DAMAGE OR SHORTAGE MUST BE MADE WITHIN FIVE DAYS FROM DATE OF THIS INVOICE. ALL ORDERS ARE SUBJECT TO A 10% OVERRUN OR UNDERRUN.

INTEREST AT THE RATE OF 1-1/2% PER MONTH WILL BE CHARGED ON ALL PAST DUE INVOICE

BNB 001729 *REDACTED* CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION



LANDSTAR GLOBAL LOGISTICS (NAV)
6308 Wood Lake Road
Jupiter, FLORIDA 33458
United States

PHONE: (561) 691-9299
FAX: (561) 658-6347

oceanbus@landstar.com
www.landstar.com

INVOICE

Customer: BALASHI BROUWERIJ NACIONAL
BALASHI Z/N
ORANJESTAD
ARUBA

Date: Mar-23-2012
Invoice No: NAV-45963FI
Credit Terms: ON RECEIPT / BEFORE RELEASE
File: NAV-43652

Attn: RONNIE GOMEZ

Authorized By: BALASHI BREWERY ARUBA N.V.

Sales Person: GD GEORGE DONALDSON

House Bill of Lading No: 219784	NAV-43652	Shipper: TIMBAR PACKAGING & DISPLAY 3500 NW 110ST Miami, FL, 33168 1-305-685-8956 1-305-688-0547
Vessel/Voyage: VTIM07 125201	*CONFIDENTIAL* ATTORNEYS EYES ONLY	Consignee: BROUWERIJ NATIONAL BALASHI N.V. PO BOX 5237 ORANJESTAD ARUBA 011-297-59-76542
Port of Loading: MIAMI, FLORIDA	Sailing Date: Mar-23-2012	
Port of Discharge: ORANJESTAD	Arrival Date: Mar-29-2012	
Place of Receipt: MIAMI, FL	Place of Delivery:	

Description of Charges	Quantity	UOM	Rate	Amount
FREIGHT CHARGE	1.00	FLT	4,700.00	4,700.00
DOCUMENTATION	1.00	FLT	70.00	70.00
CUSTOMS CLEARANCE	1.00	FLT	150.00	150.00
DELIVERY	1.00	FLT	178.00	178.00
ADDITIONAL CUSTOMS CHARGES	1.00	FLT	20.00	20.00
DESTINATION TERMINAL HANDLING	1.00	FLT	85.00	85.00
			Sub-Total	5,203.00
			TOTAL	USD 5,203.00

Shipment Description: 1x40' HC DOOR MIAMI TO DOOR SANTA CRUZ BALASH
GLDU7046920

Remit Payment To:
Landstar Global Logistics, Inc.
P.O. BOX 8500-54302
PHILADELPHIA PA 19178-4302

LANDSTAR has a policy against payment, solicitation
or receipt of any rebate, directly or indirectly, which
would be unlawful under the United States Shipping
Act of 1864.

All transactions are made in accordance with
the National Customs Brokers & Forwarders
Association of America, Inc. Terms and conditions.

BALASHI BREWERY

MOVEMENT LISTING BY REFERENCE

Page 1 Printed 05/03/2012 21:40

Movement Type: ALL
To:Movement Reference: PO012463
To:Date: ALL
To:

Full Print

Tran	Batch	Bch	Recpt	Ref.	Locn	Item	Code	Date	Period	Quantity	Rcpt/	Value at	Unit	A n a l y s i s			C o d e s		
Line	No.	Line			Code				Posted		Issue	AVE Cost	Stock	DEPT	PROJ	REQ	A&L		

Movement Type: 01AD+ Description: RECEIPT - INVENTORY ADJUSTMEN

Movement Reference: PO012463
8100

1	39860	1			RAW	R825034		04/10/12	04/12	18,481.500	R							
Movement Reference Totals										18,481.500	R							
Movement Type Totals										18,481.500	R							
Grand Totals										18,481.500	R							
END OF REPORT																		

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ATTORNEYS
EYES ONLY

BNB 001732 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

PURCHASE ORDER

Order No PO012696
05/30/12

Phone: (297) 585-4805 Fax: (297) 585-6144

To Ball Metal Beverages Cont
PO BOX 730483
USA

Deliver To Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

Account Code VBAL03 Account Name Ball Metal Beverages Containe
Delivery Date 05/14/2012 Comments BALL Page 1

Item Code	Description	Quantity	Unit Price	UOM	Total
R887033	Chill cans 11.3 oz	54.460			
R887033	Chill cans 11.3 oz	70.020			
R887033	Chill cans 11.3 oz	77.800			
R887033	Chill cans 11.3 oz	46.680			

CONFIDENTIAL
ATTORNEYS EYES ONLY

Order Total

CONFIDENTIAL
ATTORNEYS EYES
ONLY

Approved by Date


GECONTROLEERD 01 JUN 2012

BNB 001733 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Additional Cost Reference: 0000012753 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CANS	C1 C2 C3			0000012752	330424	PO 012696
Totals	C1 C2 C3					

***CONFIDENTIAL* ATTORNEYS EYES ONLY**

Section 2 - Weighting Calculation

S Movem.	Ref	Mov. Line	Batch	Line	Orig. PO	Item Code	Quantity	Charge Factor QTY	Index Factor	Weighting
Line 001										
PO 012696	0001	40247	1	001	R887033		54.46000	54.46000	1.00000	54.46000
PO 012696	0002	40247	2	002	R887033		70.02000	70.02000	1.00000	70.02000
PO 012696	0003	40247	3	003	R887033		77.80000	77.80000	1.00000	77.80000
PO 012696	0004	40247	4	004	R887033		46.68000	46.68000	1.00000	46.68000
Totals Line 001							248.96000	248.96000		248.96000

Section 3 - Charges applied to C1 - LATEST

S Movem.	Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001						
		Value C1 - Total value to be charged :		13315.20000		
PO 012696	0001	R887033		0.21875	2912.70000	
PO 012696	0002	R887033		0.28125	3744.90000	
PO 012696	0003	R887033		0.31250	4161.00000	
PO 012696	0004	R887033		0.18750	2496.60000	
Sub-Totals Line 001					13315.20000	
Control Totals C1					13315.20000	

***CONFIDENTIAL* ATTORNEYS EYES ONLY**

***CONFIDENTIAL* ATTORNEYS EYES ONLY**

END OF REPORT

Additional Cost Reference: 0000012772 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 CANS	C1 C2 C3			0000012752	330424	PO 012696
Totals	C1 C2 C3					

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ATTORNEYS EYES ONLY

Section 2 - Weighting Calculation

S Movem.	Ref	Mov.	Line	Batch	Line	Orig.	PO	Item Code	Quantity	Charge Factor	Index Factor	Weighting
										QTY		
Line 001												
PO 012696	0001	40247	1	001	R887033				54.46000	54.46000	1.00000	54.46000
PO 012696	0002	40247	2	002	R887033				70.02000	70.02000	1.00000	70.02000
PO 012696	0003	40247	3	003	R887033				77.80000	77.80000	1.00000	77.80000
PO 012696	0004	40247	4	004	R887033				46.68000	46.68000	1.00000	46.68000
Totals Line 001									248.96000	248.96000		248.96000

Section 3 - Charges applied to C1 - LATEST

S Movem.	Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001						
		Value C1 - Total value to be charged :		385.00000		
PO 012696	0001	R887033		0.21875	84.21875	
PO 012696	0002	R887033		0.28125	108.28125	
PO 012696	0003	R887033		0.31250	120.31250	
PO 012696	0004	R887033		0.18750	72.18750	
Sub-Totals Line 001					385.00000	
Control Totals C1					385.00000	

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END OF REPORT

Journal Type: ALL

Journal Source: ALL

Journal Number: 0030041

Entry Period: 05/2012

Line No.	Account	Account Name	Trans Date Due Date		Debit Amount	Credit Amount	Analysis Codes					
	Code	Description	Period	Reference			Other Amount	Other Amount	DEPT	DAY	PROJ	EMPLO A&L
	Asset	Asset Name	Sub Code	V/I/D								

Journal Number: 0030041

Type: AP002

Name: INVOICE REVERSAL

Entry Date: 05/30/2012

Source: KAE

1	VBAL03	Ball Metal Beverages Containe	04/20/12	05/20/2012						
		BALL	05/2012	330424						
2	125209	Inventory in Transit	04/20/12							
		BALL	05/2012	330424						
3	641120	Bankcharges	04/20/12							
		BALL	05/2012	330424						

Journal Totals

Report Totals

END OF REPORT

****CONFIDENTIAL****
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Journal Type: ALL

Journal Source: ALL

Journal Number: 0030042

Entry Period: 05/2012

Line No.	Account Code	Account Name Description	Trans Date	Due Date	Debit Amount	Credit Amount	Analysis Codes				
	Asset	Asset Name	Period	Reference	Other Amount	Other Amount	DEPT	DAY	PROJ	EMPLO	A&L
			Sub Code	V/I/D							

Journal Number: 0030042 Type: AP002 Name: INVOICE REVERSAL

Entry Date: 05/30/2012 Source: KAE

1	VLAN09	Landstar Global Logistics	04/20/12 05/20/2012
		LANDSTAR	05/2012 NAV46859FI
2	641120	Bankcharges	04/20/12
		LANDSTAR	05/2012 NAV46859FI

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Journal Totals

Report Totals

END OF REPORT



LANDSTAR GLOBAL LOGISTICS (NAV)
6308 Wood Lake Road
Jupiter, FLORIDA 33458
United States

PHONE: (561) 691-9299
FAX: (561) 658-6347

oceanbus@landstar.com
www.landstar.com

INVOICE

Customer: BALASHI BROUWERIJ NACIONAL
BALASHI Z/N
ORANJESTAD
ARUBA

Date: Apr-20-2012
Invoice No: NAV-46859FI
Credit Terms: ON RECEIPT / BEFORE RELEASE
File: NAV-44569
Shipper Ref. No.: 250717
Sales Person: GD GEORGE DONALDSON

Attn: MR. RONNIE GOMEZ

Authorized By: BALASHI BREWERY ARUBA N.V.

PO No.: 501170,501172,501176,501184

House Bill of Lading No.: NAV-44569

Shipper: BALL METAL CORP.
4700 W. WHITEWAY DRIVE
TAMPA, FLORIDA, 33617
813-980-6073

Consignee: BALASHI BREWERY ARUBA N.V.
BALASHI Z/N
ORANJESTAD
ARUBA
011-297-5854805

Sailing Date: Apr-23-2012

Arrival Date: May-10-2012

Place of Delivery:

A/P COMPANY	TBC	BBG	Vendor #	VLANCQ
Period: MAY 12			Jrn #	
Ass nr: 250717			Dept #	8100
Vessel/Voyage:	San Andres 657N			
125200	13315,20			
VLANCQ	13315,20			
Port of Loading:	TAMPA, FLA.			
Port of Discharge:	ORANJESTAD		4101	
Payment Approval			Date	
Place of Receipt:	TAMPA, FL		Date	
Cheq/Trst #				

Description of Charges	Quantity	UOM	Rate	Amount
FREIGHT CHARGE	1.00	FLT	14,200.00	14,200.00
DOCUMENTATION	1.00	FLT	70.00	70.00
CUSTOMS CLEARANCE	1.00	FLT	150.00	150.00
ADDITIONAL CUSTOMS CHARGE	1.00	FLT	80.00	80.00
INLAND FUEL SURCHARGE	1.00	FLT	100.00	100.00
Sub-Total				14,600.00
TOTAL				USD 14,600.00

Shipment Description:

PO#250717

4x40'HC ALUMINUM CANS

GLDU7406749

XINU8128998

ZCSU8268495

ZCSU8873916

Remit Payment To:

Landstar Global Logistics, Inc.

P.O. BOX 8500-54302

PHILADELPHIA PA 19178-4302

LANDSTAR has a policy against payment, solicitation
or receipt of any rebate, directly or indirectly, which
would be unlawful under the United States Shipping
Act of 1864.

Amount divided in
Two invoices from
BALL!

All transactions are made in accordance with
the National Customs Brokers & Forwarders
Association of America, Inc. Terms and conditions.



ATCO Aruba NV
Sabana Blanco 2
Oranjestad
Aruba, Dutch Caribbean
297 523 6600 Ph.
297 582 7108 Fax

ISO 9001:2000 Certified
OHSAS 18001 Certified



Invoice

5031489

Invoice Date:

Tuesday, May 22, 2012

Customer:

CBAL00353

Job No:

OP-5015169

Salesperson:

Rosalda Stamper

Sold To:

Balashi Brewery

Balashi Z/N

Sta. Cruz

Aruba

Job Site:

Terms: Net 30 Days

Customer P.O. No:

Work Performed: To haul 7x containers from Wharf to Balashi Brewery.

MV Pampero V 368

Chili cans
Leds
vestor
GLDU 740674-9 / ZCSU 857211-0 → *BUSA*
FSCU 633804-1 / ZCSU 865153-9 *DIA collections*
ZCSU 887391-6 / XINU 812899-8 *Nyoka cans*
ZCSU 826849-5.

Date	Description	Unit No	Qty UOM	Unit Price	Extended Price
5/11/2012	O-Cont-Side Loader Hauling Oranjestad		7.00 Each	AWG275.00	AWG1,925.00

Total Invoice: AWG1,925.00

We thank you for choosing us!

For Bank Payments:

Aruba Bank: AWG Account

Aruba Bank: USD Account:

CONFIDENTIAL
ATTORNEYS EYES

Please refer to your customer account number and invoice numbers on all your payments.
Outstanding Invoices may be subjected to monthly 1.5% finance charges, as per our terms and conditions available at www.atcoaruba.com

APP COMPANY	TCC	VBG	BRG	Vendor
Period: MAY '12				Vendor: VASS03
Appr:				Appr: 0100
125200	385,-			Chili
VASS03	385,-			Chilicans
125200	385,-			D. voice cans
VASS03	385,-			D. voice cans
Payment Approval				Date
Check/Inst #				Date

APP COMPANY	TCC	VBG	BRG	Vendor
Period: MAY '12				Vendor: VASS03
Appr:				Appr: 0100
125200	385,-			Leds
VASS03	385,-			Leds
125200	385,-			Fuze cans
VASS03	385,-			Fuze cans
Payment Approval				Date
Check/Inst #				Date

Net Amount due on 6/21/2012

1.5% charge thereafter plus collection cost as per general conditions filed at the courts register in Aruba

BNB 001740 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION



The Tropical Bottling Company of Aruba Ltd.



BROUWERIJ NACIONAL BALASHI N.V.

BALASHI Z/N, P.O. BOX 145

Phone: (297) 5854805 • Fax: (297) 5856144

E-mail: consumers@cocacola.aw

BILL TO:

☐
☐

PURCHASE ORDER

Aruba 110012 - 11 20 12

250717

This number must appear on all invoices, delivery notes, boxes and packages.

Supplier:

BALL METAL CORP.

Quantity	Unit	Item	Expense		Cost
			Maintenance	Fixed Assets	Unit
2	CONT.	FUSE CANS (1102) ^{355ML} 32 PLTS			\$
2	CONT.	BALASHI CHILL CANS ^{333ML} 32 PLTS ₁₁₀₂₇₀₂			
TOTAL (4) CONTAINERS = 64 PLTS					
ATTN: BETH SINGLETON					

***CONFIDENTIAL*
ATTORNEYS**

+ FREIGHT
AND HANDLING
CHARGES

Department:

R/M - W/H

Subject:

R/M STOCK

Requested by:

R. GOMEZ

Approved by:

COPY ACCOUNTING

*Approved Accounting:

*See authorization list

PG 88903

Brouwerij Nacional Balash
Balashi Z/N, Santa Cruz
Aruba, Dutch Caribbean
P.O. Box 145

PURCHASE ORDER

Order No PO001085
01/03/14

Phone: (297) 585-4805 Fax: (297) 585-6144

To Ball Metal Beverages Cont Deliver Brouwerij Nacional Balash
PO BOX 730483 To Balashi Z/N, Santa Cruz
USA Aruba, Dutch Caribbean
P.O. Box 145

Account Code VBAL03 Account Name Ball Metal Beverages Containe
Delivery Date 12/19/2013 Comments CANS Page 1

Item Code	Description	Quantity	Unit Price	UOM	Total
R882733	Classic Club Soda	124.480	*CONFIDENTIAL* ATTORNEYS EYES ONLY	1KPCS	*CONFIDENTIAL* ATTORNEYS EYES ONLY
R882533	Classic Tonic Water	62.240		1KPCS	
R881633	Coco Rico Cans	62.240		1KPCS	
R886033	Malta Balashi Cans 11.3oz	124.480		1KPCS	

Order Total

CONFIDENTIAL
ATTORNEYS EYES ONLY

Approved by Date

BNB 001742 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Additional Cost Reference: 0000001088 Posted Lines:

Section 1 - Additional Cost Voucher

Line Item	Cost Update Values	Calc Code	Currency	PI Numbers	Supp. Ref	PO Numbers
001 VINT39/1085	C1	*CONFIDENTIAL* ATTORNEYS EYES ONLY				0000001087 5718PU1234
	C2					PO 001085
	C3					
Totals	C1					
	C2					
	C3					

Section 2 - Weighting Calculation

S Movem. Ref	Mov. Line	Batch	Line	Orig. PO	Item Code	Quantity	Charge Factor QTY	Index Factor	Weighting
Line 001									
PO 001085 0001	3612	1	001	R882733	124.48000	124.48000	1.00000	124.48000	
PO 001085 0002	3612	2	002	R882533	62.24000	62.24000	1.00000	62.24000	
PO 001085 0003	3612	3	003	R881633	62.24000	62.24000	1.00000	62.24000	
PO 001085 0004	3612	4	004	R886033	124.48000	124.48000	1.00000	124.48000	
Totals Line 001					373.44000	373.44000		373.44000	

Section 3 - Charges applied to C1 - LATEST

S Movem. Ref	Line Item Code	Value C1	Weighting applied	Adjustment	New Value C1
Line 001	Value C1 - Total value to be charged :	19425.60000			
PO 001085 0001	R882733		0.33333	6475.13524	*CONFIDENTIAL* ATTORNEYS EYES ONLY
PO 001085 0002	R882533		0.16666	3237.47049	
PO 001085 0003	R881633		0.16666	3237.47049	
PO 001085 0004	R886033		0.33333	6475.52378	
Sub-Totals Line 001				19425.60000	
Control Totals C1				19425.60000	

END OF REPORT

BNB 001743 * REDACTED CONFIDENTIAL ATTORNEYS EYES ONLY INFORMATION

Opposer's Motion for Summary Judgment

EXHIBIT “I”

- Our Brands
- Our Vision
- POS Material
- Find Our Products
- Pay Your Bill

Home > Search for "Balashi"

No products match your search criteria, please try again.



COMPANY

- Privacy Policy
- Terms & Conditions
- Product List
- Category List

CONNECT

- Facebook
- Twitter
- Contact Us
- Pompei Gift

MAILING LIST SIGN-UP

EMAIL ADDRESS...

Opposer's Motion for Summary Judgment

COMPOSITE

EXHIBIT “J”

FOR TTB USE ONLY

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
APPLICATION FOR AND
CERTIFICATION/EXEMPTION OF LABEL/BOTTLE
APPROVAL

(See Instructions and Paperwork Reduction Act Notice on Back)

TTB ID

10237001000052

1. REP. ID. NO. (If any)

CT

80

OR

70

PART I - APPLICATION

2. PLANT
REGISTRY/BASIC
PERMIT/BREWER'S
NO. (Required)

NY-I-15511

3. SOURCE OF
PRODUCT (Required)☐ Domestic☒ Imported8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT
REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED
DBA OR TRADENAME IF USED ON LABEL (Required)SIMONE INTERNATIONAL, T & BEER, INC.
55 OLD TURNPIKE RD , SUITE 408

NANUET NY 10954

4. SERIAL NUMBER
(Required)

103027

5. TYPE OF PRODUCT
(Required)☒ WINE☐ DISTILLED SPIRITS☐ MALT BEVERAGE

6. BRAND NAME (Required)

SIMONE

8a. MAILING ADDRESS, IF DIFFERENT

7. FANCIFUL NAME (If any)

9. EMAIL ADDRESS

10. FORMULA/SOP NO.
(If any)11. LAB. NO. & DATE /
PREIMPORT NO. &
DATE (If any)18. TYPE OF APPLICATION
(Check applicable box(es))

12. NET CONTENTS

750 MILLILITERS

13. ALCOHOL CONTENT

13.5

14. WINE APPELLATION
IF ON LABEL

MAULE VALLEY

a. ☒ CERTIFICATE OF LABEL APPROVALb. ☐ CERTIFICATE OF EXEMPTION FROM LABEL
APPROVAL
"For sale in _____ only" (Fill in State
abbreviation.)c. ☐ DISTINCTIVE LIQUOR BOTTLE APPROVAL.
TOTAL BOTTLE CAPACITY BEFORE CLOSURE
_____ (Fill in amount)d. ☐ RESUBMISSION AFTER REJECTION
TTB ID. NO. _____15. WINE VINTAGE DATE
IF ON LABEL

2008

16. PHONE NUMBER

(973) 340-9300

17. FAX NUMBER

(973) 340-9393

19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celoseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.

20. DATE OF
APPLICATION

08/25/2010

21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

(Application was e-filed)

22. PRINT NAME OF APPLICANT OR
AUTHORIZED AGENT

Thomas Simone

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED

09/11/2010

24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU



FOR TTB USE ONLY

QUALIFICATIONS	EXPIRATION DATE (if any)
STATUS THE STATUS IS APPROVED.	
CLASS/TYPE DESCRIPTION TABLE RED WINE	

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front)
Actual Dimensions: 2.63 inches W X 4.41 inches H

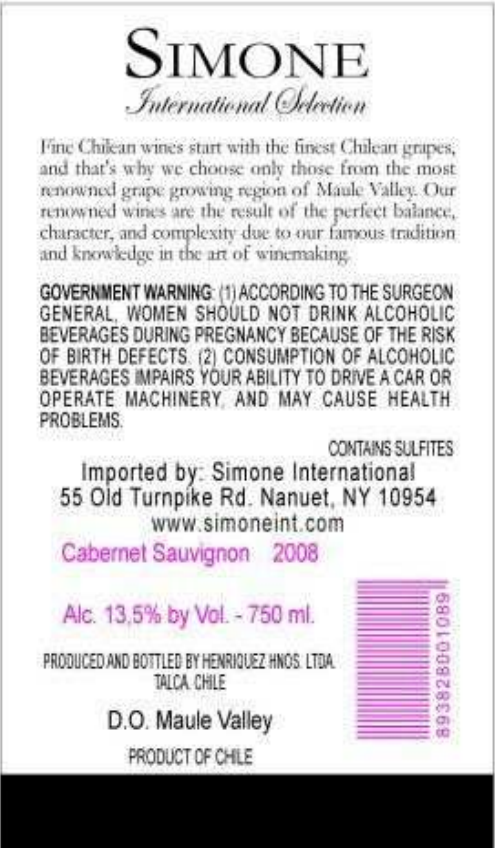


Image Type:

Back
Actual Dimensions: 2.95 inches W X 4.52 inches H

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International Selection



CABERNET SAUVIGNON

2008

MAULE VALLEY

PRODUCT OF CHILE



TTB

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
U.S. Department of the Treasury

COLA Registry

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

TTB F 5100.31: Application For and Certification/
Exemption of Label/Bottle Approval

- ❖ [Search Public COLA Registry](#)
- ❖ [COLAs Online FAQs](#)
- ❖ [Contact Us](#)
- ❖ [Public COLA Registry Manual](#)
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COLA Detail

TTB ID: ? 15133001000215

❖ [Printable Version](#)

Status: ? APPROVED

Vendor Code: ? 14206

Serial #: ? 151025

Class/Type Code: ? TABLE WHITE WINE

Origin Code: ? CHILE

Brand Name: ? PAPI

Fanciful Name: ?

Type of Application: ? LABEL APPROVAL

For Sale In: ?

Total Bottle Capacity: ?

Grape Varietal(s): ? MOSCATO

Wine Vintage: ?

Formula : ?

Approval Date: 06/15/2015

Qualifications: ?

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

Plant Registry/Basic Permit/Brewers No (Principal Place of Business): ?

NY-I-15511

SIMONE INTERNATIONAL, T & BEER, INC.

55 OLD TURNPIKE RD , SUITE 408

NANUET, NY 10954

Plant Registry/Basic Permit/Brewers No (Other): ?

Contact Information:

Thomas Simone

Phone Number: (973) 340-9300

Fax Number: (973) 340-9393

Back

Alcohol and Tobacco Tax and Trade Bureau, 2003 Contact us at webmaster@ttb.treas.gov



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Opposer's Motion for Summary Judgment

EXHIBIT “K”

From: Chewning, Kerri <kchewning@archerlaw.com>
Sent: Friday, January 15, 2016 1:59 PM
To: Susan J. Latham; Winsky, Gregory J.
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Brouwerij Nacional Balashi N.V. v. t & beer, inc. - discovery responses of t&beer - Interrogatory No. 3 - supplemental answer

Susan:

Ms. Rodriguez is an office manager for Simone Int'l. I will send a revised supplemental response on Monday with our documents.

Kerri E. Chewning, Esq.

One Centennial Square
Haddonfield, NJ 08033
Direct Dial: 856-616-2685
Fax: 856-673-7166
kchewning@archerlaw.com
www.archerlaw.com



From: Susan J. Latham [mailto:slatham@FeldmanGale.com]
Sent: Thursday, January 14, 2016 7:16 PM
To: Chewning, Kerri; Winsky, Gregory J.
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Brouwerij Nacional Balashi N.V. v. t & beer, inc. - discovery responses of t&beer - Interrogatory No. 3 - supplemental answer

Kerri:

Thank you for providing identifying information as to Natalia Zagaievschi. While we also appreciate the information as to Yarina Rodriguez's business affiliation and (business) address, it appears that there is still a piece of identifying information missing. Specifically, Ms. Rodriguez's employment position. Therefore, please amend your supplemental response to include the position that Yarina Rodriguez occupies at Simone International. Additionally, we would appreciate a verification of the supplemental response.

Sincerely,
Susan

From: Chewning, Kerri [mailto:kchewning@archerlaw.com]
Sent: Thursday, January 14, 2016 5:01 PM
To: Susan J. Latham; Winsky, Gregory J.
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Brouwerij Nacional Balashi N.V. v. t & beer, inc. - discovery responses of t&beer.

Opposer's Motion for Summary Judgment

EXHIBIT “O”

Susan J. Latham

From: Susan J. Latham
Sent: Thursday, February 25, 2016 12:29 PM
To: 'Chewning, Kerri'; 'Winsky, Gregory J.'; #Trademarks
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Notice of Deposition of T & Beer, Inc. pursuant to Fed.R.Civ.P. 30(b)(6)

Kerri & Gregory:

Attached please find a Notice of Subpoena to Yarina Rodriguez. We have scheduled the deposition of Ms. Rodriguez for the day following the deposition of T & Beer, Inc.'s corporate representative.

Sincerely,
Susan

From: Susan J. Latham
Sent: Thursday, February 25, 2016 10:54 AM
To: 'Chewning, Kerri'; Winsky, Gregory J.; #Trademarks
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Notice of Deposition of T & Beer, Inc. pursuant to Fed.R.Civ.P. 30(b)(6)

Kerri:

While I appreciate that you are busy—as we all are—I must note that, regardless of your particular schedule, Archer & Greiner P.C. has an obligation on behalf of its client T & Beer to cooperate in discovery. I have been seeking that cooperation since my phone call to your office on February 11th. Unfortunately, for the past 2 weeks, I have not received any cooperation from your office on this fairly simple task of obtaining a list of available dates. Instead, I have received excuses and delay. Obtaining available dates from your client, and its employee Yarina Rodriguez, is something that you could have had your assistant, or another attorney do. As far as I know, you are not a one-person firm. We live in an age of myriad means of communication, both electronic and telephonic; thus, it should not take two weeks to obtain a list of available dates.

The deposition of T & Beer is now set for March 10th per the Notice of Deposition that I served on the Applicant yesterday. I hope to see you and your client then. However, should your client not appear, we will have the court reporter note the non-appearance on the record.

Should Applicant decide to cooperate, I am leaving the door open for such cooperation, *if* I expediently hear from you (or someone from your office) with a list of available & agreeable dates for the deposition of T&Beer's rep *and* for the deposition of its employee, Yarina Rodriguez, with those depositions to be taken on consecutive days in March, along with an agreement on behalf of Yarina Rodriguez to waive service of a subpoena. Otherwise, we will assume that your office is refusing to cooperate in this discovery and will proceed as necessary and appropriate. Due to the fact that I must make travel arrangements to New Jersey (flights, hotel, car, etc.) for these depositions, I cannot hold this door to cooperation open for much longer.

Sincerely,
Susan

From: Chewning, Kerri [<mailto:kchewning@archerlaw.com>]
Sent: Wednesday, February 24, 2016 6:28 PM
To: Susan J. Latham; Winsky, Gregory J.; #Trademarks
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: RE: Notice of Deposition of T & Beer, Inc. pursuant to Fed.R.Civ.P. 30(b)(6)

Susan:

I will check with the client on his availability. As I mentioned in my email yesterday, I have not yet been able to connect with him to discuss since his return in light of my schedule.

Kerri E. Chewning, Esq.

One Centennial Square
Haddonfield, NJ 08033
Direct Dial: 856-616-2685
Fax: 856-673-7166
kchewning@archerlaw.com
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Archer&Greiner P.C.
ATTORNEYS AT LAW

From: Susan J. Latham [<mailto:slatham@FeldmanGale.com>]
Sent: Wednesday, February 24, 2016 12:48 PM
To: Chewning, Kerri; Winsky, Gregory J.; #Trademarks
Cc: Jeffrey D. Feldman; Ashley G. Kessler; Suzanna Sanabria
Subject: Notice of Deposition of T & Beer, Inc. pursuant to Fed.R.Civ.P. 30(b)(6)

Kerri:

As indicated in my email of February 16th, and because Applicant has not provided us with a list of available dates in response to Opposer's multiple requests, Opposer has proceeded to select and set the date and time for the taking of Applicant's deposition. Please refer to the attached Notice of Deposition.

Additionally, as indicated yesterday, Opposer would also like to depose Yarina Rodriguez, the Applicant's employee. We would like to do so on the next day after the taking of Applicant's deposition. Please let me know whether the Applicant and Ms. Rodriguez will waive the necessity of a subpoena being served upon Ms. Rodriguez and will instead accept a simple Notice of Deposition, or whether they will insist upon the issuance and service of a subpoena.

Sincerely,
Susan

From: Chewning, Kerri [<mailto:kchewning@archerlaw.com>]
Sent: Friday, February 19, 2016 2:38 PM
To: Susan J. Latham
Cc: Winsky, Gregory J.
Subject: RE: Balashi Spirits - dates.

Susan:

I found out yesterday that our client is away on vacation this week – which would explain why we did not hear back when we reached out.

I will discuss dates with him early next week and get back to you ASAP.

Kerri

Kerri E. Chewning, Esq.

One Centennial Square
Haddonfield, NJ 08033
Direct Dial: 856-616-2685
Fax: 856-673-7166
kchewning@archerlaw.com
www.archerlaw.com



From: Susan J. Latham [<mailto:slatham@FeldmanGale.com>]
Sent: Friday, February 19, 2016 2:37 PM
To: Chewning, Kerri
Subject: RE: Balashi Spirits - dates.
Importance: High

Kerri:

Following up as to depo dates. Please send me your client's available dates so that I may put together the Notice and make arrangements with a court reporter. Thanks.

From: Chewning, Kerri [<mailto:kchewning@archerlaw.com>]
Sent: Tuesday, February 16, 2016 6:01 PM
To: Susan J. Latham
Subject: RE: Balashi Spirits - dates.

Susan:

My apologies. You are correct, I did not receive your message.

Thanks for reaching out. I will look into it and get back to you.

Thanks,
Kerri

Kerri E. Chewning, Esq.

One Centennial Square
Haddonfield, NJ 08033
Direct Dial: 856-616-2685
Fax: 856-673-7166
kchewning@archerlaw.com
www.archerlaw.com



From: Susan J. Latham [<mailto:slatham@FeldmanGale.com>]
Sent: Tuesday, February 16, 2016 4:13 PM
To: Chewning, Kerri
Subject: Balashi Spirits - dates.

Kerri:

I called last week while you were in court, and left a message with your assistant. She promised to email you my message, but perhaps that got lost in the shuffle. The gist of my message is that I am looking to get dates from you as to the availability of your client for deposition. I would like to take your client's deposition in either the second or third week of March. Rather than unilaterally picking a date in that timeframe, I would like to coordinate that date with you in advance. Therefore, if you would please provide a list of dates in March that would be acceptable to your client, I would appreciate it. However, if I do not receive any dates from you by the end of the week, I will proceed to select a date and issue a notice of deposition accordingly.

Should you care to discuss, please give me a call.
Thank you.

Sincerely,
Susan

Susan J. Latham
Attorney at Law
LL.M. Intellectual Property
Feldman Gale, P.A.
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Opposer's Motion for Summary Judgment

Proceeding No. 91223456

EXHIBIT “CC”

NewsRoom

12/20/09 Hous. Chron. 4
2009 WLNR 26159387

Houston Chronicle
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December 20, 2009

Section: Travel

WISH YOU WERE HERE: Palm Beach, Aruba

Have a great photo from a recent vacation? Share it and details of your trip at chron.com/wish-you-were-here.

WHO: Brian Collins of The Woodlands

WHERE: Palm Beach, Aruba

WE WENT BECAUSE: Three-generational Thanksgiving trip with children and grandparents.

DON'T MISS: Take one day and visit the "other" side of the island via tour, rented Jeep or four-wheeler. Rough seas, desert landscape and unpaved hilly roads provide a stark contrast to the palm trees, sandy beaches and calm waters of the high-rise tourist area.

DON'T BOTHER: Spending time on styling hair. The 15-20 mph constant trade winds provide cooling from the hot afternoons but wreak havoc on hair. My wife says "pull it back and go."

COOLEST SOUVENIR: A case of Aruban-made Balashi beer.

WORTH A SPLURGE: Dinner on the beach at sunset, just a few feet from placid Caribbean Sea.

WISH I HAD PACKED: Snorkel gear and an inflatable raft.

POSTSCRIPT: We stayed at the Marriott Surf Club on Palm Beach. The pool was outstanding with finely manicured tropical grounds, a lazy river and hundreds of iguanas roaming about. The sand at the beach was crushed coral and the ocean was as blue as I have ever seen.

---- Index References ----

Region: (Aruba (1AR06); North America (1NO39); Caribbean (1CA06); Florida (1FL79); Latin America (1LA15); Americas (1AM92); USA (1US73))

BNB 000236

Language: EN

Other Indexing: (BALASHI; MARRIOTT SURF CLUB; WOODLANDS) (Brian Collins; Rough)

Edition: 3 STAR

Word Count: 232

End of Document

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NewsRoom

7/26/15 Asbury Park Press (Asbury Park, N.J.) U5
2015 WLNR 22179063

Asbury Park Press (Asbury Park, NJ)
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July 26, 2015

Section: U

Sun-splashed beers, breweries pour on the fun

Melanie Reffes

July 26, 2015

Whether you're a lover of lager, aficionado of ale, fan of draft from a cask or a keg, or if you prefer the can in hand, quenching your thirst with a frosty brew is a Caribbean mainstay.

Jamaica

Red Stripe is as sacrosanct in Jamaica as a spicy patty and a day at the beach. The beer is a proud sponsor of music events including Sumfest, the largest reggae festival in the world, held in Montego Bay. First brewed in 1928 as dark ale, Red Stripe has been the liquid ambassador of good vibes for generations of beer lovers. The recipe changed in 1934, and today the suds in the stubby bottle with the bold diagonal red stripe is the golden lager of choice. Brewed and bottled by the Diageo Co., this straw-colored brew balances malty-sweet and lightly hoppy flavors and pairs perfectly with the island's hot and spicy fare. Waist-watchers can sip Red Stripe Light, while the newest bottle, called Red Stripe Bold, is winning fans with its crisp bold flavor courtesy of a unique double-fermentation process. Tours of the downtown Kingston brewery are offered by requests made on the company's website.

Bermuda

The island's only microbrewery, Dockyard Brewing Co. at the Royal Naval Dockyards, is also the only producer of an adult beverage made on the island. Of its 550 barrels every year, five varieties are poured in the adjacent Frog & Onion Pub and at a few other spots around the island. The artisan ales and lagers in frosty mugs come in sizes from 16 ounces to a whopping 50 ounces (if you can't finish it, you can buy a decorative bottle in the gift shop and the bartenders will pour a beer to go). House brews include cold, copper-colored Somers Amber Ale, named after Bermuda's founder Sir George Somers; Whale of a Wheat, served with a slice of lemon; St. David's Light; Trunk Island Pale Ale, with a bitter finish; and the dark ale called Black Anchor Porter. Tours come with a five-course dinner pairing fish and chips and bacon-topped burgers with the five beers brewed at the distillery.

Cayman Islands

New on the beer scene, the Cayman Islands Brewery has earned rave reviews for its tasty tipples such as Caybrew, pale yellow lager with a trace of vanilla, and the lighter version, CayLight, at 95 calories. The speciality beer Ironshore Bock gets kudos for its smooth taste and features hops from Washington's Cascade Mountains, black malt that gives it an amber color and German malt for a roasted flavor. Also on tap, 345 Stout is distilled with aromatic malts for a dark cocoa color, and the eco-astute White Tip Lager benefits the environment with a donation of 5 cents for each can sold going to ocean conservation. Tours of the brewery on Shamrock Road Prospect near the Port in George Town let fans

BNB 000238

get up close and personal in the automated brew house, swig sample brews and shop in the gift store, which stocks beer-themed souvenirs.

Haiti

An American-style lager, Prestige is the country's best-seller, with 98% of all beer poured carrying the label. Brewed at the Brasserie Nationale d' Haiti, Prestige was launched in 1976. With a light blondcolor and a sweet malt flavor, Prestige is a two-time World Cup Beer winner (2000 and 2012) and a symbol of national pride. Encouraged by the political stability under the current government, Prestige recently got a financial vote of confidence from the Dutch brewer Heineken, which is spending \$100 million to increase the manufacture of bottles, upgrade the Port-au-Prince brewery and add brewery tours.

Aruba

Aruba is one of only a few countries in the world to make beer from desalinated sea water. The result, Balashi, is a light golden-colored lager with a global pedigree. Brewed at the Brouwerij Nacional Balashi, the winning recipe is made with malt imported from Scotland and hops shipped in from Germany. A lemony brew called Balashi Chill is trendy with those looking for a lighter buzz and fruitier taste. Tours of the Balashi Brewery on the west side of the island take fans on a unique walkway built above the production area to see the process from soup to nuts and to the laboratory where quality control is maintained. One drink is included with the admission ticket, and kids younger than 12 are admitted free (for the tour, not the sips). Stay for lunch and a beer chaser at the adjoining Beer Garden.

Barbados

The frothy flagship brand brewed at the Banks Barbados Brewery, Banks is a pilsner-style pale lager that picked up a gold medal at the 2013 Monde Selection in Brussels. Made with naturally filtered water, the premium brew in the tall bottle with the red bottle cap is poured in every bar and rum shop and at every beach barbecue and special occasion. Opened in 1961, Banks Brewery in Wildey, east of Bridgetown, also brews Banks Amber Ale, Tiger Malt and the refreshing Coconut Cooler and Twist Shandy. Tours includes samples for the grown-ups and a look-see in the souvenir shop.

---- Index References ----

Industry: (Agriculture, Food & Beverage (1AG53); Alcoholic Beverages (1AL86); Bars & Nightclubs (1BA02); Beer (1BE46); Beverages (1BE22); Brewing (1BR67); Entertainment (1EN08); Food & Beverage Production (1FO79))

Region: (Americas (1AM92); Aruba (1AR06); Barbados (1BA45); Bermuda (1BE15); Caribbean (1CA06); Cayman Islands (1CA11); Haiti (1HA10); Islands (1IS89); Jamaica (1JA89); Latin America (1LA15); West Indies (1WE90))

Language: EN

Other Indexing: (Amber Ale; George Somers)

Edition: 1

Word Count: 848

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NewsRoom

BNB 000239

NewsRoom

11/17/03 Amusement Bus. 5
2003 WLNR 17547045

Amusement Business
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November 17, 2003

Volume 115; Issue 46

Rob Norris, president, Seabreeze Park.

O'Brien, Tim

Rob Norris, president of Seabreeze Park, Rochester, N.Y., has found a way to get out of the office and forget about all his worries and stresses.

He goes wind surfing. "When you're out there on the water in the zone, you have to pay attention, you really can't think of anything else," the 53-year-old Norris told AB. "It's a good way to get exercise and get away from everything else for awhile. It's quite fun and it feels wonderful to be gliding along at 23 mph and jumping the waves."

Snow skiing has been Norris' winter sport of choice for the past 45 years. "Each year, a bunch of us from several parks get together and go west to snow ski," he said, noting that he likes powder skiing, but leaves the snowboarding and the hot dogging to the younger generation.

In his younger days, Norris also did a lot of rock climbing and mountaineering. Wind surfing is a "great alternate season activity," he said.

Norris started wind surfing in the early 1980s on Lake Ontario. He now lives on the beach of that lake, definitely a plus for an avid outdoorsman. "I walk out my back door and I'm on the lake. It's very convenient."

As a matter of fact, convenience is a major reason for Norris' love affair with the wind and water. "I liked to sail, but big boats and sailing are not necessarily conducive to running an amusement park. It takes up too much time," he said.

He never learned to play golf because "I just don't have four-hour blocks of time during the summer season," he said. "With wind surfing, I can look out my window and if I have a little time and the wind is blowing, I can be out there in a matter of minutes. I don't have to call someone to meet me and I don't have to wait. I just go do it."

Living on the lake allows Norris to get in more wind surfing than if he lived elsewhere. "I can go out for a quick 20 minutes or spend an hour or so. That's what makes this sport so good for me."

He's adventurous, but not all extreme sports participant. "It's not like I'm living on the edge. I certainly know my limitations and I'm careful. Sure it's a fringe sport, but not totally out of character for me," he said.

BNB 000240

Norris has never entered into wind surfing competition, but he has been around many great athletes. He tries to spend a week in Aruba each year enjoying the beach, the wind, the water, and the Balashi Beer, which he drinks, he says, only to rinse the salt out of his mouth.

Aruba caters to wind surfers and there are plenty down there. "It's fun to be around others with the same interests," he said. "I enjoy going to the beach and hanging out with them and enjoying the culture. I meet a lot of new people that I have a lot in common with."

Unlike surfing, the wind surfing culture is somewhat upscale, according to Norris. "You'll find mostly professional males participating in this sport. In this day and age, wind surfing is not a cheap sport."

He has also enjoyed his sport in Europe, a hotbed of wind surfing, and tried to enjoy it in Australia in September.

Norris will ascend to the position of second vice-chairman of the International Assn. of Amusement Parks & Attractions at this year's convention, and he attended the IAAPA Summer Meeting in September when it was held along the Gold Coast of Australia.

"I was looking forward to wind surfing while I was down there, but the day I tried to get out, there was no wind. It was a bit disappointing, he recalled.

---- Index References ----

Company: A&B (JAPAN); AKBAR BROTHERS LTD; AB; PRIMIX SOLUTIONS INC; ARMABETON AS

Industry: (Entertainment (1EN08); Extreme Sports (1XT20); Sports (1SP75))

Region: (Aruba (1AR06); Oceania (1OC40); Caribbean (1CA06); Latin America (1LA15); Americas (1AM92))

Language: EN

Other Indexing: (AB; BALASHI BEER; INTERNATIONAL ASSN; SEABREEZE PARK) (Amusement Parks; Norris; Rob Norris; Seabreeze Park) (United States)

Keywords: (Arts and entertainment industries); (Business); (Amusement Parks); (Executive changes & profiles); (Behavior); (Amusement parks); (Amusement parks - Officials and employees); (Entertainment industry); (Entertainment industry - Officials and employees)

Product: Amusement Parks; Amusement and Theme Parks

Sic: 7996

Naics Code: 71311

Word Count: 678

NewsRoom

4/20/14 Courier-J. (Louisville, Ky.) U5
2014 WLNR 10780160

Courier-Journal, The (Louisville, KY)
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April 20, 2014

Section: USA TODAY; LIFE

Why Aruba is the place to be

April 20, 2014

With the slogan "One Happy Island" on its car license plates, it's no surprise Aruba is one of the most visited (and revisited) Caribbean islands. American convenience meets Dutch finesse in Aruba; visitors find fine sandy strands, cactus-spiked terrain and funky seaside eateries, along with casinos that stay open until the last card is dealt and ritzy resorts that rival the best in the world.

Kudos to Keshi Yena

USATODAY USATODAY

As Aruban as a frosty Balashi beer, Keshi Yena is the delectable yet filling dish made with chicken, beef, olives, cashews and prunes and flame-broiled with gouda or edam cheese. In a century-old cunucu, or manor house, Papiamento is the go-to eatery for the classic Aruban stew. Dessert here is a don't-miss pan bollo, a bread pudding drizzled with an egg liqueur called Ponche Crema.

papiamentoaruba.com

Amen to aloe

Aloe vera is big business, treating everything from sunburns to hangovers. For an inside look at the history of the healing wonder plant, take a free tour through the Aruba Aloe Factory and Museum. You get to see the process from leaf to lotion, including demonstrations by skilled aloe slicers. After the tour, visit the shop that sells gels and creams in travel sizes.

arubaaloe.com

Zen out

High on a coastal plain with long views of the sea, Chapel of Alto Vista is the perfect place to view the sun as it rises and sets. The island's first Roman Catholic Church dates to 1750. Ten minutes from the church, California Lighthouse, named after the S.S. California, which sank in 1910, is coveted for views of the green flash at sunset. For a romantic dinner, a shared platter of fettuccine con gamberoni alla vodka (shrimp infused with vodka) at El Faro Blanco is an Aruban rite of passage.

BNB 000242

aruba-latrattoria.com

Beachy keen

Forty minutes southeast of Oranjestad along the 1A highway, Baby Beach is a world away from the strands on the hotel strip. Cooled by the trade winds, the shallow water is fun for kids who can wade out for a long distance and still touch the sea bottom. A crescent-shaped lagoon, the beach is ringed with palm-branch-covered shelters. For those who didn't pack a lunch, Big Mama Grill doesn't disappoint with meaty ribs and heady daiquiris. Snorkeling is sublime where the bay opens to the Caribbean Sea, with equipment rentals available at Jads Dive Shop. .

jadsaruba.com

Go south

To get a real taste of local culture, rent a car (or a jeep) and head southeast to San Nicholas. This coastal town — just 15 minutes by boat from Venezuela — boasts uncrowded beaches, a model train museum and wild donkeys. If you can come only one day, make it Thursday, when a street party called the Carubbian Festival takes over for the night. To pass the time, grab a brew and burger at Charlie's Bar, a spirited hangout since 1941.

charliesbararuba.com

Heart and soul

Make it a Memorial Day weekend to remember by booking front row seats to the Soul Beach Music Festival from May 21 to 26. Headliners include R&B crooners Robin Thicke, Kenny "Babyface" Edmonds and Atlanta radio host and comedian Rick Smiley. Concert venues include Palm Beach, Moomba Beach, Renaissance Convention Center and Baby Beach in San Nicholas.

soulbeach.net

---- Index References ----

Industry: (Eggs (1EG90); Resorts (1RE44); Travel Bargains (1TR46); Travel & Tourism (1TR07); Sports (1SP75); Entertainment (1EN08); Agriculture, Food & Beverage (1AG53); Boats & Sailing (1BO44); Food & Beverage Production (1FO79))

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April 20, 2014

Section: U

Why Aruba is the place to be

Melanie Reffes

April 20, 2014

With the slogan "One Happy Island" on its car license plates, it's no surprise Aruba is one of the most visited (and revisited) Caribbean islands. American convenience meets Dutch finesse in Aruba; visitors find fine sandy strands, cactus-spiked terrain and funky seaside eateries, along with casinos that stay open until the last card is dealt and ritzy resorts that rival the best in the world.

Kudos to Keshi Yena

As Aruban as a frosty Balashi beer, Keshi Yena is the delectable yet filling dish made with chicken, beef, olives, cashews and prunes and flame-broiled with gouda or edam cheese. In a century-old cunucu, or manor house, Papiamento is the go-to eatery for the classic Aruban stew. Dessert here is a don't-miss pan bollo, a bread pudding drizzled with an egg liqueur called Ponche Crema.

papiamentoaruba.com

Amen to aloe

Aloe vera is big business, treating everything from sunburns to hangovers. For an inside look at the history of the healing wonder plant, take a free tour through the Aruba Aloe Factory and Museum. You get to see the process from leaf to lotion, including demonstrations by skilled aloe slicers. After the tour, visit the shop that sells gels and creams in travel sizes.

arubaaloe.com

Zen out

High on a coastal plain with long views of the sea, Chapel of Alto Vista is the perfect place to view the sun as it rises and sets. The island's first Roman Catholic Church dates to 1750. Ten minutes from the church, California Lighthouse, named after the S.S. California, which sank in 1910, is coveted for views of the green flash at sunset. For a romantic dinner, a shared platter of fettuccine con gamberoni alla vodka (shrimp infused with vodka) at El Faro Blanco is an Aruban rite of passage.

aruba-latrattoria.com

Beachy keen

Forty minutes southeast of Oranjestad along the 1A highway, Baby Beach is a world away from the strands on the hotel strip. Cooled by the trade winds, the shallow water is fun for kids who can wade out for a long distance and still touch the sea bottom. A crescent-shaped lagoon, the beach is ringed with palm-branch-covered shelters. For those who didn't

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pack a lunch, Big Mama Grill doesn't disappoint with meaty ribs and heady daiquiris. Snorkeling is sublime where the bay opens to the Caribbean Sea, with equipment rentals available at Jads Dive Shop. .

jadsaruba.com

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soulbeach.net

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Industry: (Agriculture, Food & Beverage (1AG53); Beverages (1BE22); Eggs (1EG90); Fast Food (1FA67); Food & Beverage Distribution & Services (1FO39); Food & Beverage Production (1FO79); Juice (1JU85); Non-Alcoholic Beverages (1NO38); Resorts (1RE44); Restaurants & Food Service (1RE91); Retail (1RE82); Travel & Tourism (1TR07))

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November 9, 2003

Section: TRAVEL

Great dining adds to Aruba's ambience

EILEEN McCLELLAND

ARUBA

ARUBA - Fine dining is part of the Aruban experience, so unless you're content to spend all your time at one resort, avoid all-inclusive hotel meal plans that would limit options. Try a breakfast and beverage plan instead, or look into the Aruba Gastronomic Association, a group of 30 island restaurants that offers meal deals through a "Dine-Around" program.

Most restaurants add a 10 percent to 15 percent service charge to the bill.

L'Escale at the Renaissance Aruba Resort and Casino in Oranjestad offers a three-course dinner and show package with its production of Vegas-style Let's Go Latin! Try the hearty, flavorful lobster bisque to start. The sauteed red snapper is tender and fresh. Finish with the caramel custard or Grand Marnier souffle, either of which may make you swoon. Sensibly priced house wines are from Argentina. The restaurant is elegant, but not uptight. Service is friendly and flawless. The room glows golden at dusk, with the light reflecting off damask tablecloths and heirloom-style chandeliers. Sunsets should be stunning, but a docked cruise ship blocked our view when the sun sunk below the horizon. Our dinner and show package was \$136 for two - before the \$20 bottle of house cabernet.

Also in Oranjestad, tucked away on a side street, the moderately priced Driftwood serves just-caught Aruban seafood and attracts patrons who have been coming there for years. Depending on what the fisherman-owner catches that day, lobster, shrimp, octopus, squid, grouper or mahi-mahi may be on the menu. The combination lobster tail and shrimp special of the day was a winner, but the fresh grouper prepared island-style in a creole sauce was better. Start with the Aruban seafood soup. The local corn bread, served with most meals, is addictive. Entrees are \$16-\$34.

Servers at Le Petit Cafe in Oranjestad bring seafood and beef to the table on hot stones - still cooking away. It's a sizzling-hot experience, so be sure to protect your clothing with the provided paper bib and dine inside in air-conditioned comfort rather than on the patio. Do opt for a stone-cooked meal. The jumbo shrimp was stone-sizzled to perfection; the mahi-mahi sandwich - cooked in the kitchen - was on the small side and nothing special. Entrees are \$9-\$30.

The Sunset Grill at the Radisson Aruba Resort & Casino in Palm Beach is a perfect spot for a special occasion. The room, with decor reminiscent of Miami's South Beach, is decorated in every shade of an Aruban sunset. The curvy, art deco-style booths

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glow purple in the light. Try thick, succulent pork chops or yellow-fin tuna served sushi-style with wasabi. A la carte entrees average \$26, but portions are generous, even by Texas standards.

Pago-Pago in the Wyndham Aruba Beach Resort & Casino in Palm Beach was closed during our stay to remodel the space and fine-tune the menu, but some of its regular dishes were available poolside under a large palapa hut. The swordfish steak was flawless and firm; the thick rib-eye was above average in flavor. Meals were served with an extensive salad bar and dessert. The new Pago-Pago will be primarily a Caribbean-style steakhouse. The restaurant also is known for incredible specialty drinks - 40-ounce works of art with pineapples hanging off the sides.

La Trattoria El Faro Blanco on the grounds of the California Lighthouse has an unsurpassed view of the sea and the rocky terrain. Part of the restaurant once was the lighthouse keeper's home. Goats provide entertainment just off the deck, stopping to eat and drink from bins. Patrons, though, have more selection: pizza, Italian sandwiches and pasta are good lunch choices. Entrees are \$12-\$28.

Charlie's Bar and Restaurant in San Nicolas is a good place to stop on the way to Baby Beach. Have a hearty lunch and a sample of the hot Honeymoon Sauce. To go with it, order the fresh catch, peel-and-eat shrimp or sauteed scallops and a can of Balashi, Aruba's island-brewed beer. Platters are big and include bread, salad and fries. Including what assistant manager Cornelis Van Bochove described jokingly as "the lousy service," our lunch cost nearly \$60. A bonus? You can buy a T-shirt in the shop next door that says "Boozer since 1941."

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WHEN YOU GO: ARUBA

Getting there: Continental Airlines offers nonstop flights between Houston and Aruba twice weekly. A third flight will be added around Christmas. Flight time is about four hours and 20 minutes. Since summer, nonstop flights have been priced at \$500-\$800, but we found a \$400 flight during a Continental one-day sale. Other carries offer connections; a travel agent can provide details. Shuttle buses and cabs provide transportation to hotels.

When to go: Aruba celebrates its 50th-anniversary carnival season beginning this month and continuing through February with parties and parades. The off-season begins in late April and runs through early December. The beach isn't as crowded, hotel rates are 20 to 40 percent lower and the weather is good. The climate is pleasant, breezy and dry year-round, with high temperatures in the 80s. September tends to be slightly hotter.

What to bring: A sundress is about as dressy as women need to be anywhere on the island; only a few restaurants require long pants for men. Beach coverups and sunscreen are important.

What not to bring: Suits and ties. Pantyhose. Umbrellas. Homework.

Taxis: Cabs aren't metered, but are strictly regulated by the government. A taxi between Palm Beach and Oranjestad will cost \$10, except on Sunday, when it's \$12, and after midnight, when it's \$11. Ask for a price list for other destinations.

Water: Water, processed on the island at a desalination plant, is safe to drink.

Lodging: If you stay at Palm Beach, also known as the High-Rise Area, the dozen resorts and their restaurants and casinos are easily accessible, although pool facilities and beach chairs are supposed to be reserved for guests. A sidewalk runs the length of the area, which covers about a mile from the Wyndham to the Aruba Marriott Resort.

Eagle Beach or the Low-Rise Area is a little less glitzy, and a little less crowded. Most resorts are two or three stories high. The beach, though, is just as spectacular.

Among choices:

The Radisson Aruba Resort & Casino on Palm Beach has 358 guest rooms furnished in West Indian decor and colorful Caribbean accents. The spacious, open-air lobby is very livable, filled with comfortable chairs in conversational groups. Frommer's Portable Aruba describes the Radisson's guest rooms as the prettiest on the island. The wood furniture on the balconies, the carved, four-poster mahogany beds and spacious closets look as if they belong in a plantation home. First-floor rooms have private garden areas. Rooms beginning on the fourth floor may have ocean views.

The Radisson sprawls over 14 lushly planted acres. Its lagoonlike pool meanders under bridges. Stands of sea grape beckon to beachgoers.

Standard-room rates start at \$210 in the off-season, \$340 during the busy season and \$425 during the Christmas-New Year holidays, but online, off-season deals can be found in the \$160 range.

The Wyndham Aruba Beach Resort & Casino on Palm Beach has 18 floors of more than 400 guest rooms furnished in cherry wood and rattan with mustard and olive-colored accents. All rooms have large balconies with at least partial water views. At this resort, the higher the room the better, so opt for a deluxe. The Wyndham is adding a casual dining spot that will stay open until 3 a.m. It's a traditional-style hotel with an indoor, air-conditioned lobby and shopping area. Posted rates are \$215 to \$385, but we found seven-night Internet deals at \$140 per night in September.

The Hyatt Regency Resort & Casino on Palm Beach has grounds and public areas as beautiful and tropical as the Radisson's, but the frequently updated rooms lack full-size balconies. Standard-room rates are \$220-\$365.

If you don't need to be on the beach, the Renaissance Aruba Resort & Casino is the place to stay in capital city of Oranjestad, particularly for shoppers and casino gamblers. It's built over an open-air mall, has a 24-hour casino and a lobby-level pool overlooking the harbor. Guests are transported by boat to a 40-acre private island.

Less-expensive options include the Holiday Inn on Palm Beach and Best Western Manchebo Beach Resort in the Low Rise Area. The Holiday Inn had ocean-view rooms as low as \$104 online in September. The Best Western has posted summer rates of \$129 and winter rates of \$199. Both are situated on wide areas of the beach and have ocean-view rooms.

Access www.aruba.com for links to these and other hotels.

Leaving the island: Plan to arrive at the airport two to three hours before your flight to allow time to go through airline check-in, immigration, a duty-free shopping area, U.S. Customs and security before entering the gate area. Last-minute shopping for luggage, liquor, rum cake, perfume, post cards and souvenirs could yield some bargains. U.S. citizens are permitted to bring back \$400 worth of merchandise, including 1 liter of alcohol. Bring a magazine and, if you're hungry, eat in a restaurant at the shopping area, because once you're at the gate, there aren't many dining options - just a deli and a hot dog stand - and no bookstores.

More Information: Call 800-862-7822; access www.aruba.com.

---- Index References ----

Company: CONTINENTAL AIRLINES INC; GRAND MARNIER; SOCIÉTÉ DES PRODUITS MARNIER LAPOSTOLLE SA

Industry: (Restaurants & Food Service (1RE91); Entertainment (1EN08); Casinos (1CA80); Food & Beverage Production (1FO79); Hotels (1HO42); Gaming Industry (1GA25); Fish & Seafood (1FI89); Agriculture, Food & Beverage (1AG53))

Region: (Pacific Islands (1PA78); Islands (1IS89); Aruba (1AR06); Americas (1AM92); North America (1NO39); Texas (1TE14); Latin America (1LA15); USA (1US73); American Samoa (1AM44); Oceania (1OC40); Florida (1FL79); Caribbean (1CA06))

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December 6, 2015

Section: Sunday

A sea of paradises, each a perfect choice

Diane Bair; Globe Correspondents

Pamela Wright; Globe Correspondents

There are about 7,000 islands in the West Indies archipelago, and, like snowflakes, no two are alike. Here's how to find your Caribbean idyll.

Give me lush, green, and gorgeous

Saint Lucia is the obvious choice. Laced with leafy hiking trails that snake through the rain forest, including a (fabulous but challenging) hike that goes up the tallest piton (peak), the island is a can't-miss destination for outdoor lovers. Doff the boots and snorkel in the bay between the pitons; snow farms will seem very far away. www.stlucianow.com

Been there, done that? Pounded in August by tropical storm Erika, Dominica is ready for visitors again, and could use some tourist love. Hike through it, hike around it, and cool off under a waterfall, or gain bragging rights by trekking to the 200-foot-wide Boiling Lake in Morne Trois Piton National Park. Later, relax at Rosalie Bay (www.rosaliebay.com), a top-rated eco-lodge with an organic restaurant, spa, and sea turtle-hatching program. www.discoverdominica.com

Give me incredible island cuisine

Food fanatic? Think Anguilla . Book a seat at the chef's table at CuisinArt Golf Resort & Spa (www.cuisinartresort.com), one of the island's sublime indulgences, and feast on produce from the resort's hydroponic farm, sharing the plate with locally-caught tuna, mahi, and wahoo. Add restaurants daVida, Veya, and Cobra to your list — plus the beach barbecue on Sandy Island — and you're in foodie heaven. www.िवisitanguilla.com

Been there, done that? Then this year, consider Grenada . Called "the Spice of the Caribbean," thanks to its spice production (nutmeg appears on the flag), this aromatic island has a vibrant food scene featuring dishes like ginger pork and curried mutton. Local fare is authentically Caribbean, and British celebrity chef Gary Rhodes makes magic at his namesake restaurant at the Calabash Hotel & Spa (www.calabashhotel.com). www.puregrenada.com

Turks and Caicos is also coming on strong as a foodie destination. Host of the annual Caribbean Food & Wine Festival, the Grace Bay Club in Providenciales (www.gracebayresorts.com) offers splurge-worthy oceanfront dining. Go barefoot at Da Conch Shack, where the conch fritters are a must. www.turksandcaicostourism.com

BNB 000251

Take me where the wild things are

Some of the things we miss in New England in the winter: light, color, and chirping birds. Add some cackling monkeys to your winter soundtrack in Nevis . The tiny island and the federation's other half, Saint Kitts , are home to thousands of free-roaming African green vervet monkeys. The silver-bodied, black-faced monkeys have lived on the islands for more than 300 years. You might see (or hear) them on your own; book a sunset monkey tour at the Four Seasons Nevis (www.fourseasons.com/nevis) to increase your odds. www.nevisisland.com

Been there, done that? Trinidad 's low-key sister island, Tobago , is birding central. The Main Ridge Forest Reserve rain forest is a haven for exotics like the collared trogon and the Tobago blue-backed manakin. Offshore, mile-long Little Tobago Island is one of the Caribbean's most important seabird sanctuaries. www.gotrinidadandtobago.com

Sign us up for family fun

Passports aren't needed (Puerto Rico's a US territory) and airfare tends to be affordable, so San Juan is wildly popular with vacationing families. Beachfront hotels have loads of amenities, but you'll want to venture out and explore El Yunque National Forest, the Toro Verde zip lines, plus caves and bioluminescent bays. www.seepuertorico.com

Been there, done that? Try something totally new and thrilling. Club Med Punta Cana resort (www.clubmed.us) in Punta Cana, Dominican Republic , recently launched "Creactive" by Cirque du Soleil, featuring circus-y skills like acrobatic bungee, flying trapeze, and aerial silks. Parents can join their intrepid offspring, or escape to the serenity of Zen Oasis, an adults-only zone with a lagoon pool, in-water lounge chairs and cabanas, a yoga hut, and a secluded beach. www.godominicanrepublic.com

Bring on the watersports

Wander along 2-mile Palm Beach in Aruba with a heavy slick of sunscreen and a few bucks tucked into your board shorts, and choose from among every type of wet-and-wild activity imaginable, and then some (jet packs, anyone?) Or head out on a jeep tour and swim in a conchi (natural pool). Catch your breath with a local Balashi beer at a barefoot beach bar. www.aruba.com

Been there, done that? You won't find a huge selection of watersports in Saint Vincent and the Grenadines , but what's there is spectacular. The waters surrounding Saint Vincent and its north-south string of 32 islets are among the most beautiful sailing grounds in the world. Charter a boat (www.barefootyachts.com) and island-hop, with stops for snorkeling in turquoise lagoons and visits to Bequia and Mustique. www.discoversvg.com

Give us a grown-up getaway

Beaches and tropical sunsets are undeniably romantic. Add a dollop of night life and you've got vacation perfection, a combo they've fine-polished on Saint Martin . The Dutch side (Sint Maarten) of this island that is shared with the French rocks with the beat of beach bars and lounges, and the jangly vibe of a dozen casinos. (The French side, Saint Martin, has a more relaxed vibe and incredible restaurants, especially in Grand Case.) www.vacationstmaarten.com

Been there, done that? Martinique , the social and cultural capital of the French Antilles, offers an intriguing marriage of Creole culture and French flair. Beyond the beautiful beaches and waterfalls, count on excellent shopping and dining and a volcano museum. Bonus: Nonstop flights from Boston on low-cost carrier Norwegian Air Shuttle launch in December. www.us.martinique.org

Diane Bair and Pamela Wright can be reached at bairwright@gmail.com.

---- Index References ----

Industry: (Resorts (1RE44); Travel & Tourism (1TR07); Travel Bargains (1TR46))

Region: (Americas (1AM92); Aruba (1AR06); Caribbean (1CA06); Dominica (1DO52); Grenada (1GR42); Latin America (1LA15); Leeward Islands (1LE19); Martinique (1MA23); North America (1NO39); Saint Lucia (1ST20); Sint Maarten (1MA08); St. Vincent & the Grenadines (1ST93); Trinidad & Tobago (1TR16); U.S. New England Region (1NE37); USA (1US73); West Indies (1WE90); Windward Islands (1WI12))

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August 28, 2011

Section: TRAVEL

THE RECORD ON THE ROAD

Family birthday soujourn in Ireland

To celebrate Grandma Heavey's birthday, we took her on a trip to Ireland. We traveled the country, visiting relatives in Kerry and Longford. We also went shopping and sightseeing in Dublin. One of our beautiful scenic rides found us here in front of Sugar Loaf Mountain among the Wicklow Hills.

Tip: Package deal (air, hotel or B&B and car) is the way to go.

Pictured: Pat Heavey, Patrick Heavey, Joey Zemanek, Kelly Heavey, Joe Zemanek, Mary Beth Fiorentino, Grandma Julie Heavey, Colleen Fiorentino, Joann Raymond, Joyce Raymond and Jim Heavey.

Jim Heavey

Saddle Brook

Wyckoff Scouts pay a visit to N.J. lighthouses

A group of Wyckoff Girl Scouts, Cadette Troup 17, spent a weekend visiting both the Barnegat and Absecon lighthouses at the Jersey Shore. While on Long Beach Island, the girls also visited the Barnegat Museum and learned about the role that lighthouses played in sea travel. The girls paid for the trip with money earned from selling the ever-popular Girl Scout Cookies.

Tip: Be sure to wear sneakers when climbing to the top of each lighthouse - it is much safer than sporting flip-flops. And wear sunscreen.

Pictured: Meghan McGowan, Zoe Banen, Erin McGowan, Elizabeth Jennings, Taylor Stanley, Allyssa Grayson, Daria Raguseo, Marissa Steinberg, Amanda Buono and Esther Plotnick.

Laura McGowan

Wyckoff

First cruise was a blast for the kids

BNB 000254

After waiting our whole lives, our parents took us on our dream vacation in January - a seven-day cruise on the Royal Caribbean Freedom of the Seas.

Since my dad felt the ship's excursion offerings were not appropriate for our ages, he arranged tours with private companies in Jamaica and Grand Cayman before we left. Our parents even got babysitters after we went to sleep so they were able to enjoy the shows and casino.

Tip: Spend a few extra minutes organizing your room on the first day before rushing out to enjoy the ship to make your trip more enjoyable.

Pictured on formal night, from left: Raimy, Hannah and Judah Vogel.

Raimy Vogel

Teaneck

'All girls' family fun in Charleston

My sister thought an "all girls" weekend would be fun, so a trip to Charleston to visit her daughter was perfect. The horse-and-buggy ride through historic Charleston was the best way to see spectacular waterfront mansions, cobblestone alleys and Fort Sumter.

Tip: The best shopping was a walk through the old prison (now an outdoor market), with bargains on jewelry, fashion accessories, rice and spices and sweet-grass baskets made by locals.

Pictured from left: Laura Pattern, Lisa Doiron, Dory Tetradis, Donna DeVasto, Christine DeVasto and Jaclyn DeVasto.

Dory Tetradis

Lincoln Park

Family reunites in Chile after 10 years

After 10 years, I went back to Chile to visit my family. It was the first time they met my two daughters, Heather, 8, and Lindsay, 5. The summers in Chile are a lot of fun, and the weather was perfect.

In this picture we are in front of the famous "Reloj de Flores" or watch of flowers, in Vina del Mar.

Pictured: Heather, Lindsay and Paula Scott.

Paula Scott

Hawthorne

Visit to Bryce Canyon and other wonders

America has many great places to visit, and here we are with Bryce Canyon, Utah, as a backdrop. The geological features, called hoodoos, are awe-inspiring to observe at different times of the day.

You're at 8,000 feet elevation, so it might take some time for your body to acclimate itself. Our tour took us from Phoenix to Sedona and the Grand Canyon. Then it was on to Lake Powell, where we took a raft float trip along the Colorado River and a sightseeing flight over Lake Powell. The tour continued on to Bryce Canyon, followed by Zion National Park and ending up in Las Vegas.

Pictured: Marie Benkovic, Janet and Joe Caccamese.

Joe Caccamese

Hasbrouck Heights

Two travel to South America, Antarctica

Our gracious husbands encouraged my daughter and me to embark on a most wonderful journey, which began in Buenos Aires and carried us to the Falkland Islands, Argentina, Chile and Antarctica. This photo is in the Gerlache Strait of Antarctica, with mountains piercing the morning fog, eventually giving way to spectacular weather. These waters are among the most plankton-rich in the world, with an abundance of whales.

Tip: Bring hand-warmers for underneath your gloves. Plan your trip for either January or February, the warmest months in Antarctica.

Pictured: Phylis Sanker of Englewood Cliffs with her daughter, Cheryl.

Phylis Sanker

Englewood Cliffs

Mom and daughter meet up in Paris

My daughter Katie was studying in London in the fall of 2010. I wanted to take the opportunity to visit her while she was overseas. We decided that it would be fun to meet in Paris. This photo was taken at the top of the Galleries Lafayette, a wonderful department store in Paris with a breathtaking view of the city.

Tip: Enjoy the café au lait. It is delicious.

Pictured: Joan Kerbstat and her daughter, Katie.

Joan Kerbstat

Saddle River

Winter trip to Maui and Oahu

Our February vacation took us to Ka'anapali Beach, on the west side of Maui. February is a great time to visit western Maui. Humpback whales migrate to these waters every year. It's not unusual to sit along the shore and see many whales slapping their tails. We also took a day trip to Oahu. We visited Pearl Harbor, Diamond Head and Waikiki Beach.

Tip: Get to Pearl Harbor as early as you can so you can see the movie and take the free shuttle to the USS Arizona Memorial.

Pictured: Ralph and Linda Morris.

Ralph Morris

Wyckoff

Aruba turns Irish for St. Patty's Day

Everyone is Irish on Aruba on St. Patrick's Day. My husband Tim and I have vacationed there this time every year for the past 10 years. Many people decorate their huts with all kinds of decorations on St. Patty's Day. There is a contest for the best-decorated hut. The weather is always beautiful in Aruba.

Tip: Visit Champions Restaurant at the Marriott Ocean Club for a really good corned beef sandwich and green Balashi beer.

Pictured: Timothy and Maryann Moran.

Maryann Moran

Hewitt

A 'trip to paradise' for their 40th

In celebration of our 40th wedding anniversary, my husband Al and I traveled on the Paul Gauguin cruise ship in French Polynesia and the Cook Islands. This photo was taken in Moorea. It was a trip to paradise, and the beautiful, balmy weather made us forget this long winter. Mauruuru ("thank you" in Tahitian) to the nice people on land and on the ship.

Tip: All you need is sunscreen, a bathing suit, a hat and light clothing.

Pictured: Al and Renate Strub.

Renate Strub

Mahwah

Marking milestone in Jamaica

My husband and I took a trip to Jamaica to celebrate our one-year wedding anniversary. Here we are on the beautiful beach of Montego Bay.

We visited Dunn's River Falls, which is a beautiful cascading waterfall located in Ocho Rios. This is a highly visited tourist attraction.

Tip: Bring your own water shoes to Dunn's River Falls to avoid the inconvenience of renting used ones.

Pictured: Tim and Danielle Kreppel.

Danielle Kreppel

Wallington

---- Index References ----

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November 9, 2013

36 hours in: Aruba

ELAINE GLUSAC

Averaging 27 sunny degrees Celsius, or 82 degrees Fahrenheit, year round, fringed with blond beaches and lapped by turquoise shallows, Aruba lets the climate do the talking when it comes to appealing to tourists. Beach lovers flock here, happy to claim a chaise with a paperback in one hand and a cold Balashi beer in the other. But the Dutch island's manageable 30-by-9-kilometer, or 20-by-6-mile, dimensions and its desert landscape — calm and sandy on one coast, rough and rocky on the other — make it an explorer's island, too. Notably multicultural, with Dutch, the Creole-like Papiamentu, Spanish and English commonly spoken, the island in the southern Caribbean is also increasingly sophisticated, with an aloof-focused spa, a new avant-garde restaurant and a Ritz-Carlton resort, the island's most luxurious property, set to open Nov. 22.

Friday 3 p.m.

Racket club Aruba may be famous for kite surfing, but it's also known for the hybrid sport of beach tennis. Played on a beach volleyball court with elongated paddle tennis rackets, depressurized balls and a net that is 1.7 meters high, or 5 feet, 7 inches, the all-volley game has a big following among islanders, European visitors and ranked players who show up each November for an international tournament. MooMba Beach Bar & Restaurant on Palm Beach has four lighted courts run by Beach Tennis Aruba, where you can rent a ball and paddle for \$5. (Dollars are widely accepted on Aruba.) After you work up a sweat, it's a quick sprint into the ocean.

6 p.m.

Sunset salute Despite the number of casinos promising late-night action, night life on Aruba tends to center on the before-dinner cocktail hour, when the sun dips into the ocean and the rum flows freely. Any west-facing beach bar will do, but it's worth seeking out Pinchos Grill & Bar near downtown Oranjestad for extra atmosphere. Elevated on a pier at the Aruba Surfside Marina Hotel, the family-owned Pinchos offers shade in the form of sail-like awnings and candlelight to add to the romance factor once the sun has faded. Find a spot at the circular central bar for one of nine margaritas listed on the extensive bar menu — \$10 for the Golden Gate made with Grand Marnier, for instance — best paired with the mango margarita shrimp appetizer (\$10).

7:30 p.m.

Barefoot in the dark Barefoot defies its unexpected location by the Reina Beatrix International Airport's runway with its romantic beachfront ambience. Indoor dining is loosely defined here as 18 tables under a giant palapa. But most diners — honeymooners, local families and sunset photo snappers — opt for the 20 tables planted on the beach and lit by tiki torches. Opened in 2010

by Gerco Aan het Rot and Luc Beerepoot, the chef and the maître d', the restaurant specializes in Burgundy beef stew (\$28), a recipe from the chef's grandmother, and Dutch-Caribbean fusions like grouper in a cheese crust (\$26.50). Even the occasional airplane landing is more spectacle than nuisance.

Saturday 8 a.m.

Beach bagging The adjacent west-coast Eagle and Palm Beaches are lined with towering resorts and staked by beach clubs. But with a rental car you can string together a series of much more tranquil spots. After driving north, haul out your snorkeling gear at the pocket cove of Malmok Beach, which offers walk-in access to offshore coral heads teeming with reef fish. Join local families at nearby Arashi Beach, where a gentle drop-off ensures good bodysurfing on a breezy day. The main road continues north past a series of sand dunes, ending at the hilltop California Lighthouse, a whitewashed 1910 signal tower named for a ship that sank before its construction. Buy a fresh coconut (\$3) from one of the vendors here and sip the refreshing coconut water while drinking in the 360-degree view.

11:30 a.m.

Studio call Shopping on Aruba tends to involve either the same luxury-end diamond and fashion outlets seen in every popular Caribbean cruise port or cheap trinkets and T-shirts. Perhaps the best souvenir you can bring back is a piece of artwork by Elisa Lejuez, whose colorful, richly patterned canvases can be found at hotels throughout the island. Some of her designs are featured on scarves (\$100) and dresses (\$170) sold at the Eva Boutique in Oranjestad. But make a trip to her studio on the north end of the island to see her canvases that layer paint and imagery in colorful collages (paintings from \$850). The artist herself guides visitors through the studio.

1 p.m.

Fish on the dock Take shelter from the midday sun under the thatched roof at the Pelican Nest Seafood Grill. On a pier that extends from Palm Beach, the restaurant strings fishing traps and buoys above rustic wood tables with views of the sea in nearly every direction. Naturally, the menu is focused on seafood, and the kitchen leans on the quality of its fish prepared simply in dishes such as tangy ceviche (\$7.25) and generous grilled snapper sandwiches (\$8.25). At lunch, a Cuban guitarist and singer takes requests for Spanish-language ballads for the price of a tip.

4 p.m.

Balancing act Arubans so love the sea that even the most land-based of activities, such as yoga, is done offshore. Sign up to attempt Warrior I and other poses atop an anchored surfboard floating in the shallows off Palm Beach. Rachel Brathen leads 90-minute weekend paddleboard SUP yoga classes (\$45) of up to 13 participants from the Vela Windsurf Center. Sessions start with five to 15 minutes of stand-up paddling as a warm-up. They invariably continue with yogis losing their balance and falling into the water, though Ms. Brathen stresses that the effort to maintain balance forces concentration. Beginners are welcome, as long as they can swim.

6 p.m.

Sunburn salve Although not native to Aruba, aloe thrives in the island's desert environment, much to the benefit of sunburned tourists. The recently opened Zoia Spa at the Hyatt Regency Aruba Resort takes its cue from the plant, offering a treatment menu heavy on the burn-relief balm. In addition to aloe massages and facials (starting at \$80 for a 30-minute facial), the spa offers an aquatic-inspired 60-minute "surf the waves" massage (\$275) in which two therapists work in rhythm to induce relaxation, using oils made from indigenous herbs grown on the neighboring island of Curaçao.

8 p.m.

Progressive feast Aruba's culinary landscape is as varied as its people, with options ranging from Dutch pancakes to Italian pasta, Brazilian steakhouses and American fast food. But no one is doing the sort of daring dishes that Urvin Croes offers at White Modern Cuisine. The island native worked for five years at a Michelin-starred restaurant in Utrecht, the Netherlands, before returning home to open White Modern Cuisine last year. In a glass box on the second story of a gleaming shopping mall, the upscale restaurant draws a sophisticated mix of local and European patrons for dishes that take indigenous flavors in a forward direction. Not every dish is a hit (skip the jello-like kiwi margarita), but the Aruban summer salad (\$18) with 40 to 50 ingredients, many foraged, is worth the trip alone. Other dishes deconstruct and reinvent island classics like keri keri, a refried fish dish.

Sunday 8 a.m.

Land cruising Most of the hotels on the island are strung along the sandy northwest coast. But the opposite side, where the surf crashes against limestone cliffs, is Aruba's most beautiful. Arikok National Park protects almost a fifth of the island, including a pristine stretch of coast best appreciated by beachcombers rather than swimmers (riptide warnings are posted). Organ pipe cactus dot the rolling desert terrain throughout the park. Get an early start to beat the tour groups. You'll need a four-wheel-drive vehicle to reach the Natural (Conchi) Pool, a volcanic depression walled off from the ocean but filled by the waves spilling over the rocks — though even a sedan can make it over paved and mapped dirt roads to pocket beaches and Fontein Cave, home to Caquetio Indian petroglyphs. The south route winds out of the park toward Baby Beach, a tranquil cove outside San Nicolas that is well situated for a dip after the hot and dusty road trip.

12 p.m.

Cultural excavation To put all that natural and cultural history in perspective, stop in the capital of Oranjestad at the National Archaeological Museum Aruba (free). Opened in a reconstructed and brightly painted Dutch colonial estate, the museum features exhibitions devoted to early indigenous groups whose cave paintings are visible in Arikok National Park, and exhibited here via motion-activated wall projections. Ancient artifacts and a model village tell the story of the island from the pre-ceramic fishermen to Spanish occupiers in the 16th century who deemed it "useless" for its lack of precious metals, to the arrival of the Dutch in 1636. Fuel up around the corner at the casual, seafood-focused Old Fisherman Restaurant, popular with professionals and the occasional cruise-ship refugee.

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Insider's Guide To: The Caribbean

Uncredited

Sure, you love the beach. But how about a seven-day sail with that beach? Or a bottle of rosé and a Beyoncé sighting—on that beach? Here, our ultimate guide to deciding which island is right for you

You can't order a glass of champagne on this eight-mile rock without bumping into Matt Damon, Beyoncé, or a Victoria's Secret swimsuit model.

insider's guide to the Caribbean

FOR THE GLAMOUR GIRLST. BARTS

SPLASHY STAYS The largest property on isle, seaside Hotel Guanahani offers 68 stylish rooms (many with decks) and a soul-regenerating Clarins spa. From \$477; leguanahani.com. Hotel St. Barth Isle de France brings the A-crowd plus lots of Euros to Flamands Bay, arguably the best beach on island. From \$595; isle-de-france.com.

SAVVY SAVER Perched on a hill, the charmant Hotel Le Village St. Barth has 27 lovely rooms and suites surrounded by bougainvillea—and it's only a five-minute walk to St. Jean Beach. From \$205; villagestjeanhotel.com.

FANCY DINNER OUT Those in the know flock to Le Gaiac, Hôtel Le Toiny's open-air homage to fine French-Caribbean cuisine. Think mahi-mahi on a toasted brioche, or spaghetti of West Indian pumpkin with a coconut-lime emulsion; letoiny.com.

BOUTIQUE BONANZA Check out the designer shops (Cartier, Hermès, Louis Vuitton) in Gustavia, a jewel box of a port town; saintbarth-tourisme.com.

WHERE TO PARTY Blow it out big at Nikki Beach—you'll feel like you're in St. Tropez at this bottle-service hot spot on St. Jean Beach where Diddy hangs out; nikkibeach.com/stbarths. Or catch the risqué cabaret show and all-out dance party at Le Ti, a red-walled, boudoir-esque nightclub. Not the place to bring Mom; letistbarth.com.

—Keija Minor

FOR THE NATURE LOVERST. JOHN

Nearly two thirds of this U.S. Virgin Island is national parkland donated by eco-tourism pioneer Laurance Rockefeller.

ADVENTURES ON LAND Hike one of the 20 trails spread over 7,000 acres; nps.gov/viis. Off-the-beaten-path types swear by Brown Bay Trail, which has staggering views of the British Virgin Islands. Reef Bay Trail gets more foot traffic but is amazing, too—look for ancient petroglyphs and crumbling sugar mills as you trek to the shore; visitusvi.com.

ADVENTURES AT SEA Trunk Bay is known for its 675-foot guided snorkel trail (underwater signs and all), but at Blue Cobblestone Beach, you'll spy sea turtles, conchs, and almost no people; visitusvi.com.

UPSCALE RESORT Caneel Bay has seven beaches—one for every day of the week. From \$425; caneelbay.com.

CHEAP CHIC Go for low-impact charm in a premium eco-tent (with beds and unbelievable ocean views) at Concordia Eco-Resort. From \$115; concordiaeco-resort.com. Both hotels offer a honeymoon aphrodisiac: no in-room TV.

—Denise Penny Shepard

FOR THE BEACH HOPPERANGUILLA

There are 33 stretches of powdery white sand to visit; we recommend renting a Jeep.

OVER-THE-TOP OCEANFRONT DIGS Cap Juluca, 18 Moorish-inspired villas divvied up into 97 whitewashed rooms—all facing Maundays Bay. From \$495; capjuluca.com.

UNBEATABLE VALUE Anacaona has 27 cheerful rooms, two swimming pools, and a prime location on mile-long Meads Bay. From \$150; anacaonahotel.com.

BEST. LOBSTER. EVER. Palm Grove, a tiny restaurant on blissfully remote Junks Hole Bay, where owner Nat Richardson will prepare lunch while you snorkel the reef; 264-497-4224.

EPIC LATE-NIGHT BAR The legendary Dune Preserve, a funky lounge pieced together from driftwood and old sailboats, and run by local reggae star Bankie Banx; bankiebanx.net.

TOURISTY BEACH THAT'S STILL WORTH A TRIP Shoal Bay has surreal, clear-as-glass water, and you can grab cocktails at its numerous beachside shacks; ivisitanguilla.com. Walk east and you'll have the shore to yourselves.

—Rebecca Ascher-Walsh

FOR THE SAILING SETTHE BRITISH VIRGIN ISLANDS

The BVI have a handful of luxury resorts, like the Rosewood Little Dix Bay (from \$450; littledixbay.com), but the best way to see these 60-plus islands is by water.

STOW AWAY Crewed charters for a 42-foot two-cabin yacht start at \$4,000 for a week, including a captain and cook; bvicrewedcharters.com. You can chill out or help the crew tack and hoist (it's part of the fun).

TWO MUST-SEES Don't miss the Baths on Virgin Gorda—Stonehenge-size boulders that form a fantastic labyrinth of pools—and Anegada, a coral-and-limestone atoll with the world's fourth-largest barrier reef; britishvirginislands.com.

NATIVE COCKTAIL The Painkiller—rum, cream of coconut, and a splash of pineapple juice. Have two and you'll understand the name.

DROP ANCHOR At the Soggy Dollar on Jost Van Dyke, where you have to wade in for drinks; soggydollarbar.com. Or at the Willy T—a rowdy floating barge off uninhabited Norman Island, a former pirate hideout; williamthornton.com.

—Heidi Mitchell

FOR THE SUN WORSHIPPERARUBA

Just outside the hurricane belt, this Dutch-influenced island is the closest you'll get to a rain-proof vacation.

IN-THE-KNOW BARGAIN The Dutch colonial-style Amsterdam Manor on Eagle Beach offers 72 contemporary studios with kitchens. From \$195; amsterdammanor.com.

GLITZY GO-TO The 357-room Hyatt Regency on Palm Beach has a casino, a three-level pool complex, and Aruba's best spa, offering aloe-based wraps and facials. From \$335; aruba.hyatt.com.

ALL-DAY ADVENTURE Ride ATVs (arubatours.net) through Arikok National Park, nearly 8,000 wild acres of sand dunes, cacti, and the occasional iguana on the rugged northeastern coast; arubanationalpark.org.

SPORT YOU HAVE TO TRY ONCE Breezy Hadicurari Beach is the place for windsurfing lessons; aruba-active-vacations.com. You can also test out "beach tennis"—a hybrid of badminton, tennis, and paddleball—at Moomba, a kitschy-but-fun palapa-style bar. It's much easier after a few local Balashi beers; moombabeach.com.

—Bob Payne

FOR THE FOODIEST. LUCIA

Thanks to the rich volcanic soil, this island has serious growing power—which translates to amazing farm-to-table feasts.

BEST BREAKFAST IN BED At the ultraposh 29-suite Jade Mountain, chef Jonathan Dearden uses ingredients from the hotel's own Emerald Estate farm. How about coconut pancakes with mint salsa? Rooms from \$950; jademountain.com.

COOL COOKING CLASS Cupertino Ortiz, the top chef at the 78-room Sugar Beach, a Viceroy Resort, takes you to Soufrière's best organic farms, where he buys everything from callaloo (local spinach) to mangoes. Then it's home for a cooking demo—think seared tuna with pumpkin puree—before lounging on the beach. Rooms from \$375; viceroyhotelsandresorts.com.

DESSERT COURSE At the rustic-luxe 14-room Boucan by Hotel Chocolat (set on a 140-acre cocoa plantation), you can roast estate beans, meld chocolate bars, or just admire the view of the Petit Piton. Rooms from \$350; hotelchocolat.com.

DINNER UNDER \$20 Hit the Friday-night fish fry in Anse la Raye; stlucianow.com. Street vendors dish out hot bakes (biscuits) and boiled crayfish at awesome prices—like \$7 for a bowl of scrumptious conch curry.

—H. M.

FOR THE HOTEL EXPLORERJAMAICA

Jamaica is home to some of the most unique and elegant resorts in the Caribbean.

STAR-STUDDERED STAY GoldenEye, once owned by James Bond novelist Ian Fleming, is now owned by Island Records founder turned hotel developer Chris Blackwell. His "friends" hide out in the 21 mod white-on-wood cottages and stand-up-paddle the lovely green-blue lagoon. And by "friends," we mean Kate Moss, Johnny Depp, and Naomi Campbell. From \$560; goldeneye.com.

UNDER \$200 A NIGHT If you're into rustic simplicity, try Tensing Pen in Negril, a string of 17 airy thatch-and-stone cottages hugging 15-foot-high cliffs (you can jump off to swim!). From \$110; tensingpen.com.

PAMPERING ALL-INCLUSIVE At the 74-suite Sandals Royal Plantation in Ocho Rios, butlers swing by with rosewater mist while you're sunbathing on one of two private beaches. Splurge on in-suite aromatherapy massages, or at Jamaica's only champagne-and-caviar bar. From \$1,362; sandals.com.

OLD-SCHOOL CLASSIC At the deliciously atmospheric 47-room Jamaica Inn, the formal cocktail hour on the main terrace is like stepping back in time. Talk to Teddy at the beach bar: He's been there 53 years and has seen it all. From \$310; jamaicainn.com.

—Shivani Vora

FOR THE SCUBA & SNORKEL CREWTHE CAYMAN ISLANDS

The islands are beautiful, but it's what's underwater that makes the Caymans unforgettable.

SPLURGE-WORTHY RESORT (GRAND CAYMAN) The Ritz-Carlton, in the middle of tranquil Seven Mile Beach, offers basic snorkeling classes—and lavish La Prairie caviar firming facials. Rooms from \$349; ritzcarlton.com.

MUST-BOOK EXCURSION Stand waist-deep in Grand Cayman's sandy-bottomed Stingray City and watch these friendly guys approach; mobydicktours.com.

WHERE THE SERIOUS DIVERS GO The East End on Grand Cayman is home to 55 world-class sites and countless goliath groupers, turtles, and, yes, reef sharks. PADI-certified Ocean Frontiers can guide you; oceanfrontiers.com. The hard-core fly to less touristy Little Cayman and dive Bloody Bay Wall, a crazy-amazing sheer drop a mile into the deep; caymanislands.ky.

SEXY STEAL (LITTLE CAYMAN) Pirates Point Resort has 11 oceanfront, terra-cotta-tiled rooms and epic food—owner Gladys Howard studied with Julia Child. Garlic-roasted lamb shanks, anyone? From \$1,895 per week, all-inclusive, with two dives daily; piratespointresort.com.

—B. P.

FOR MORE ISLAND GETAWAYS, GO TO BRIDES.COM/HONEYMOONS.

Unspoiled Anse de Grande Saline on St. Barts

Anse de Grande Saline on St. Barts

Trunk Bay, a snorkeler's paradise on St. John.

A view of Anguilla's Cap Juluca on Maundays Bay

the Soggy Dollar Bar, a sailors' hangout on Jost Van Dyke in the BVI.

Aruba's mile-plus-long Eagle Beach

local blue marlin with star anise and black peppercorn and miso-glazed eggplant at St. Lucia's Jade Mountain resort.

The 700-foot-long secluded beach at the Jamaica Inn

chilling with stingrays on Grand Cayman.

---- Index References ----

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Section: NYP Travel

BEACHES AND BLING

Chris Bunting

WERE it not for its year-round 82-degree weather, white-sand beaches and calm turquoise waters, Aruba could be mistaken for 47th Street. A big swath of this Caribbean island is a flat landscape of jewelers, gem dealers and diamond shops. Throw in the casinos and luxury honeymoon suites, and it might seem impossible to avoid a "spend, spend, spend" itinerary.

So surely this 20-mile-long island, which has successfully warded off slave traders, pirates and the Nazis, is equally unwelcoming to frugal travelers.

Not so fast.

Both in and outside of Oranjestad, Aruba's capital, is an undercurrent of familiar budget living: fast-food joints, inexpensive (but hot) attractions and cheap hotel rooms.

Just leave the gambling to the rich (or risky), leave the jewels for the newlyweds-gone-wild, and leave now (no hurricanes here) - this is low-season and fares grow come winter.

BEFORE YOU GO

Since Aruba went semi-independent in 1986 (the Netherlands still appoints a governor), the "A" in the ABC (B is for Bonaire, C is for Curacao) islands has been happily minting its own money. But most prices are in U.S. dollars and our greenback is always taken.

Also, no adapters needed.

Visit aruba.com for more info.

HOW TO GO

Budget Aruba's biggest enemy (actually, any budget vacations biggest nemesis) is the getting there. But killer deals pop up here and there, you just need to do some research.

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An orbitz.com search done at press time revealed a mid-week low price of \$487 round-trip on American Airlines from JFK, with stopovers in Santo Domin-go and Curaao. The lowest price direct flight was a \$516 round-trip on American.

For three-night air/hotel packages, check with American Airlines Vacations - a \$555 deal at the Mill Resort is available now (aavacations.com).

You'll land at Arubas Queen Beatrix Airport, located on the southern coast about four miles from Oranjestad. Plan on a \$15-\$18 cab fare to the hotel. There's a bus, but treat yourself.

GETTING AROUND

Don't be spooked by the "fatal accident" barometer in the middle of town - you are going to need wheels to get around. Renting a car is nice, but expect to pay \$30-\$40 per day. Buses, though, cover the entire island, leaving every half hour (every hour after 6 p.m.) and cost only \$2 for a round-trip ticket.

The central hub is in Oranjestad, with lots of stops along the highways. The un-metered taxis are also cheap (\$4-\$8) alternatives if you're going short distances.

WHAT TO DO

Hourly renditions of Sade's "Smooth Operator," courtesy of the Renaissance Crystal Casinos cover-band, will woo you to (or away from) the gaming floor free of charge. Penny slots are available in the public entrance, but avoid the more expensive poker and roulette tables until the last night.

In the meantime, escape the hazards of chance and take in the natural sights.

At 8-feet-tall, with powerful legs, homicidal claws and a pea-sized brain, ostriches can bash in the skull of any would-be predator without a second-thought. But at Arubas Ostrich Farm, the birds endear themselves to tourists long enough to get fed and have their babies tended to. If you want, you can ride one.

Oh yeah, you can eat the dinobirds, too, at the onsite restaurant (\$10 for a tour of the farm, [297] 585-9630).

Speaking of cuddly animals, did you know the male butterfly often gets drunk off of fermented fruit before mating with the female? I guess we do share 99 percent of our DNA. Learn lots of other cool facts about the winged beauties at Arubas outdoor Butterfly Farm in Oranjestad (\$12 for adults, \$6 kids; thebutterflyfarm.com).

History buffs should head to Oranjestad's Numismatic Museum to view Arubas past through its currency. Good ol' peg-legged Peter Stuyvesant was Dutch governor overseeing the ABCs in the 1600s, and he makes a cameo on some of the old time paper money (\$5, Zuid-straat 7, [297] 582-8831).

Also see Arubas Aloe Factory, where you'll learn that aloe, a skin rejuvenator, is an even better laxative. Arubas economy was once based on the plant (Schotlandstraat 9, [297] 588-6881).

The island, which can be crossed coast-to-coast via car in 40 minutes, also has quirky geographical offerings.

The 100-foot-tall Natural Bridge, formed by 1,000 of years of surf pounding the ground out from underneath it, is beloved by locals. Then there are the fontein caves, limestone hollows along the northeastern coast, with walls covered in ancient drawings (and graffiti).

Just stay out of the ocean on the north side - the tide pulls people from shore every year.

To see all the above, contact DePalm, the islands primary tour operator (\$35 for a 4 1/2-hour expedition that ends with snorkeling and a buffet on DePalms private island; depalm.com).

Of course, Arubas broad beaches - all of which are public - are surely not to be missed, especially Eagle and Palm Beach.

EATS/DRINKS

Aruba has all the comforts of home - including Hooters and Benihana. Pass on both, and not just because theyre expensive. Cheap eats like McDonalds, Burger King, Wendys, Little Caesars, Baskin-Robbins and Dominos have all infested the island, and you might as well make use of them. You can also get fast food at the El Rey food-carts off the main highway in Oranjestad (\$3 burgers, \$2 hot dogs).

For true Aruban cuisine, there are a few \$15-and-under choices. The Buccaneer restaurant in Noord, which features a 5,000-gallon salt-water fish tank and tableside aquariums, has reasonable prices. Barracuda fillets (\$12) and lobster bisque (\$3.50) are among its specialties (Gasparito 11-C, Noord).

When it comes to tossing back a few, scamming free drinks by idling at a blackjack table is not worth the bouncers wrath. (At least it wasnt for me.) Instead, go to the ultra-quirky Eetcafe the Paddock, the only "genuine" Dutch bar in all of Aruba, which serendipitously is on the beautiful main harbor in downtown Oranjestad. Sip \$3 Balashis (the local brew) while watching the cruise ships bring in the herds. For fun, check out the little wheel of fortune behind the bar. Spin it and you may win free drinks - or be forced to buy a round (paddock-aruba.com).

Dancing types can shake it at Mambo Jambo upstairs in Oranjestads Royal Plaza shopping center (\$5 cocktails). Its a hangout for locals and tourists alike, and the smoke machine complements the tunes nicely (mambojamboaruba.com).

SLEEPS

Intimidated by the skyscraper-heavy hotel row on Palm/Eagle beaches? You should be. Rooms run in the \$200/night area. But there cheaper ones to be had.

Take the Coconut Inn: Its near the tall guys, but worlds away in price. A swimming pool is on the property, though its only a minutes drive to the beach (studios from \$45/night and bedroom apartments -which can sleep four -from \$65; coconutinn.com).

The studio apartments at the 3-years-old Aruba Harmony in the Oranjestad burb of Ponton are modern and clean, and well-situated (from \$65/night, and week-long scuba specials are also available; arubaharmony.com).

Ticker

GOOD NEWS: American has dropped the number of Advantage miles needed to fly to Hawaii by 5,000 from Sept. 7 - Nov. 18, to 30,000.

---- Index References ----

Company: MCDONALDS CORP; AMERICAN AIRLINES INC

Region: (Aruba (1AR06); Europe (1EU83); Netherlands (1NE54); USA (1US73); Americas (1AM92); North America (1NO39); Caribbean (1CA06); Western Europe (1WE41); Latin America (1LA15))

Language: EN

Other Indexing: (ABC; AMERICAN; AMERICAN AIRLINES; BUCCANEER; COCONUT INN; EL REY; GOOD NEWS; HOURLY; JFK; MCDONALDS; MILL RESORT; NAZIS; ORANJESTADS NUMISMATIC MUSEUM; ORANJESTADS ROYAL PLAZA; RENAISSANCE CRYSTAL CASINOS) (Barracuda; BEACHES; Beatrix Airport; Buses; Curaao; Eagle; Good; Natural Bridge; Pass; Penny; Peter Stuyvesant; Plan; Renting; Sip; Smooth Operator; Spin; Throw; Wendys)

Word Count: 1408

End of Document

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NewsRoom

BNB 000277

Opposer's Motion for Summary Judgment

EXHIBIT “B”

With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

STATUS

DOCUMENTS

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Print

Generated on: This page was generated by TSDR on 2016-03-20 00:46:59 EDT**Mark:** BALASHI SPIRITS**BALASHI SPIRITS****US Serial Number:** 86566095**Application Filing Date:** Mar. 17, 2015**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Trademark**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see T Trademark Trial and Appeal Board web page.**Status Date:** Aug. 24, 2015**Publication Date:** Jun. 23, 2015

Mark Information

Mark Literal Elements: BALASHI SPIRITS**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK**Disclaimer:** "SPIRITS"

Goods and Services

Basis Information (Case Level)

Filed Use: No**Currently Use:** No**Amended Use:** No**Filed ITU:** Yes**Currently ITU:** Yes**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

Date	Description	Proceeding Number
Aug. 24, 2015	OPPOSITION INSTITUTED NO. 999999	223456
Jul. 22, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 23, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 23, 2015	PUBLISHED FOR OPPOSITION	
Jun. 03, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 29, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
May 29, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 19, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 19, 2015	ASSIGNED TO LIE	68171
Apr. 24, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 24, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 24, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 24, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 24, 2015	EXAMINERS AMENDMENT -WRITTEN	91166
Apr. 22, 2015	ASSIGNED TO EXAMINER	91166
Mar. 26, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 20, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**Assignment Abstract Of Title Information - Click to Load****Proceedings - Click to Load**

EXHIBIT “P”

Part 9



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	27/05/2015 E 199	2015 39001094	27/05/2015 X 199	150
Aangever 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.		Importeur	Exporteur 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Handtekening



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WEGVOERINGS DOCUMENT

Douanekantoor: HK02 - Sectie Stad

Wijze van betaling N.V. T.

Kwitantiënummer: *****

Aangever

Importeur

Exporteur

3107830

3107830

Brouwerij Nacional Balashi

Brouwerij Nacional Balashi

Brouwerij Nacional Balashi N.V.

Brouwerij Nacional Balashi N.V.

Registratie referentie: 2015 E 199

Model

Artikelen 1

Validatie referentie: 2015 X 199

UIT 1

Aantal Colli 150

Validatie datum: 27/05/2015

Vervoermiddel: TRUCK

Artikel Nummer	Bruto massa	Goederencode (Heffing) - Goederenomschrijving			Douanewaarde
	Aanv. eenheden	Aantal Colli	Merken		
1	638,00	22030090 - andere/BALASHI IN CANS 12/333ML			* TRADE SECRET /
	1800XFL/0.333LTR	150 BLKN (Blikken)	BALASHI IN CANS 12/333ML		



Totaal gewicht 638,00

Totaal colli 150

Artikelen 1

Customs officer

BNB 001686 * TRADE SECRET / ATTORNEYS EYES ONLY *

2 Afzender/Exporteur Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		Nr. 3107830		1 AANGIFTE UIT 1		HK02 Sectie Stad Douane referentienummer	
		3 Formulieren 4 Ladinglijsten 1 1		E 199 Manifest		27/05/2015	
		5 Artikelen 1		6 Totaal colli 150		7 Referentienummer 2015 39001094	
		8 Importeur Nr.		9 Financieel verantwoordelijke Nr.		10 Land eerste US	
14 Aangever Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera		Nr. 3107830		15 Land van herkomst/uitvoer Aruba		15 Code L. herk. a AW b	
16 Land van oorsprong Verenigde Staten		17 Land van bestemming Verenigde Staten		17 Code L. Bestem. a US b		13 G.L.B.	
18 Identiteit en nationaliteit van het vervoermiddel bij aankomst/vertrek TRUCK		19 Ctr. AW no		20 Leveringsvoorwaarden FOB ARUBA		22 Valuta AWG	
21 Identiteit en nationaliteit van het vervoermiddel bij grensoverschrijding		23 Wisselkoers 1,00		24 Aard van de transactie		25 Vervoerwijze 4	
26 Binnenlandse Vervoerwijze		27 Plaats van lading/lossing		28 Financiële Betalingsv		29 Kantoor van binnenkomst/vertrek HK02 Sectie Stad	
30 Plaats van de goederen AL01		30a Aanvullende plaats van de goederen DUFREY'S DUTY FREE STORE		32 Art. 1		33 Goederencode No. 22030090	
31 Colli en om- en van de goederen		Merken en nummers - Aantal en soort Merken en nummers Aantal en Soort 150 BLKN Blikken Goederenomschrijving andere BALASHI IN CANS 12/333ML		34 L. van oorsprong a US b		35 Brutomassa (kg) 638,00	
44 Bijzondere vermelding voorgelegde stukken/cer- tificaten en vergunningen		Vergunning Nr. 0,00-0,00 A.D.		36 Prefer. 37 PROCEDURE 1300 000		38 Nettomassa (kg) 638,00	
47 Berekening van de belastingen		Type Maatstaf van heffing Tarief Bedrag WB		48 Rekeninghoudernummer		49 Identificatie van het entrepot	
50 Aangever douanevervoer Nr.		Handtekening		C KANTOOR VAN VERTREK		40 Summiere aangifte/vooraangaand document S/L	
51 Voorziene kantoren van doorgang		Vertegenwoordigd Plaats en datum		B COMPTABELE GEGEVENS Wijze van betaling CONTANT Validatie nummer X 199 / Datum 27/05/2015 Kwitantienummer Datum Garantie 0,00 AFL Datum Totaal overige kosten 0,00 AFL Totale aangifte 0,00 AFL		41 Aanvullende eenheden XFL 1.800,0000	
52 Zekerheid niet geldig		Code		53 Kantoor van bestemming		43 W.M. cod	
D CONTROLE DOOR KANTOOR VAN VERTREK		Stempel:		54 Plaats en datum		45 Aanpassing	
Handtekening		Handtekening en naam van de aangever/vertegenwoordiger: Stephany Ponson		46 Douanewaarde		47 Trade Secret / Attorneys Eyes Only	

BNB 001687 * TRADE SECRET / ATTORNEYS EYES ONLY *

INVOICE

Page 1 of 1

PO#:
WAR0004896

Brouwerij Nacional Balashi
Balashi z/n - Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001094

Invoiced: 05/27/2015
8:23:06AM

PERS.NO.: 2488343
KVK NO.: 767.0

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 05/27/2015 8:23:12AM Route: 390 Sales Rep: 99999340 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Total Weight	UOM	Item Weight		Random Weights				

60600212 150 150 CS12 12/333ml Balashi Cans

Sales

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Charged:
Paid Cash:
Paid Debit:
Paid Credit:
Paid Check:

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

In: 150.00/0.00

Out: 0.00/0.00


Payment: 0.00

Retail Total:

Surcharge Desc: 0.00

Received in good order:

BNB 001688 * TRADE SECRET / ATTORNEYS EYES ONLY *

X 
Customer's Signature

X _____
Sales Representative Signature

TFS#D-05708



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	16/06/2015 E 224	2015 39001095	16/06/2015 X 224	200
Aangever 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.		Importeur Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.	Exporteur 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Handtekening

BNB 001689 * TRADE SECRET / ATTORNEYS EYES ONLY *



2 Afzender/Exporteur Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		3107830		3 Formulieren 4 Ladinglijsten 1 2		Secie Stad Douane referentienummer E 224 16/06/2015 Manifest	
8 Importeur Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		Nr.		9 Financieel verantwoordelijke Nr.		5 Artikelen 2	
				6 Totaal coll 200		7 Referentienummer 2015 39001095	
14 Aangever Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera		Nr. 3107830		15 Land van herkomst/uitvoer Aruba		15 Code L. herk. a AW b	
				16 Land van oorsprong Verenigde Staten		17 Code L. Bestem. a US b	
18 Identiteit en nationaliteit van het vervoermiddel bij aankomst/vertrek TRUCK		19 Ctr. AW no		20 Leveringsvoorwaarden FOB ARUBA			
21 Identiteit en nationaliteit van het vervoermiddel bij grensoverschrijding				22 Valuta AWG		23 Wisselkoers 1,00	
25 Vervoerwijze 4		26 Binnenlandse Vervoerwijze		27 Plaats van lading/lossing		24 Aard van de transactie	
29 Kantoor van binnenkomst/vertrek HK02 Sectie Stad		30 Plaats van de goederen AL01		30a Aanvullende plaats van de goederen DUFYRS DUTY FREE STORE			
31 Colli en om- en van de goederen		Merken en nummers - Aantal en soort BALASHI IN CANS 12/333 ML Aantal en 150 BLKN Soort Blikken Goederenomschrij andere BALASHI IN CANS 12/333ML		32 Art. 1 No.		33 Goederencode 22030090	
				34 L. van oorsprong a US b		35 Brutomassa (kg) 638,00	
				37 PROCEDURE 1300 000		38 Nettomassa (kg) 638,00	
				40 Summiere aangifte/voorafgaand document S/L		36 Prefer.	
				41 Aanvullende eenheden XFL 1.800,0000		43 W.M. cod	
44 Bijzondere vermeldinge voorgelegde stukken/cer- tificaten en vergunningen		Vergunning Nr 0,00-0,00 A.D.		D. D.Aantal		Code BV 45 Aanpassing	
						46 Douanewoord	
						* TRADE SECRET /	
47 Berekening van de belastingen		Type		Maatstaf van heffing		Tarief	
						Bedrag	
						WB	
						48 Rekeninghoudernummer	
						49 Identificatie van het entrepot	
						B COMPTABELE GEGEVENS	
						Wijze van betaling CONTANT	
						Validatie nummer X 224 / Datum 16/06/2015	
						Kwantitienummer Datum	
						Garantie 0,00 AFL Datum	
						Totaal overige kosten 0,00 AFL	
						Totale aangifte 0,00 AFL	
						Totaal 0,00	
50 Aangever douanevervoer Nr.				Handtekeni		C KANTOOR VAN VERTREK	
51 Voorziene kantoren van doorgang		Vertegenwoordigd Plaats en datum					
52 Zekerheid niet geldig				Code		53 Kantoor van bestemming	

D CONTROLE DOOR KANTOOR VAN VERTREK

Stempel:

54 Plaats en datum

BNB 001690 * TRADE SECRET / ATTORNEYS EYES ONLY *

Handtekening en naam van de aangever/vertegenwoordiger:

Handtekening

Stephany Ponson

BNB 001691 * TRADE SECRET / ATTORNEYS EYES ONLY *

INVOICE

Page 1 of 1

Brouwerij Nacional Balashi
Balashi z/n – Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001095

Invoiced: 06/15/2015
10:31:27AM

PERS.NO.: 2488343
KVK NO.: 767.0

PO#: WAR0004971

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 06/15/2015 10:31:34AM Route: 390 Sales Rep: 99999340 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Total Weight	UOM	Item Weight		Random Weights				

Sales

60600212	150	150	CS12	12/333ml Balashi Cans
60601212	50	50	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Charged: * TRADE SECRET / ATTORNEYS EYES ONLY *

Paid Cash:

Paid Debit:

Paid Credit:

Paid Check:

In: 200.00/0.00

Out: 0.00/0.00

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001692 * TRADE SECRET / ATTORNEYS EYES ONLY *

X-----
Customer's Signature

X-----
Sales Representative Signature

TFS#D-05708



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	28/07/2015 E 319	2015 39001096	28/07/2015 X 319	337
Aangever 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.		Importeur	Exporteur 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Handtekening



BNB 001693 * TRADE SECRET / ATTORNEYS EYES ONLY *

2 Afzender/Exporteur Nr. 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		1 AANGIFTE		HK02	
		UIT 1		Sectie Stad	
		3 Formulieren 1 2		4 Ladinglijsten E 319 28/07/2015	
		5 Artikelen 2		6 Totaal colli 337	
8 Importeur		9 Financieel verantwoordelijke		7 Referentienummer 2015 39001096	
14 Aangever Nr. 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera		15 Land van herkomst/uitvoer Aruba		13 G.L.B.	
18 Identiteit en nationaliteit van het vervoermiddel bij aankomst/vertrek TRUCK AW no		19 Ctr. no		20 Leveringsvoorwaarden FOB ARUBA	
21 Identiteit en nationaliteit van het vervoermiddel bij grensoverschrijding		22 Valut AWG		23 Wisselkoers 1,00	
25 Vervoerwijze 4		26 Binnenlandse Vervoerwijze		24 Aard van de transactie	
29 Kantoor van binnenkomst/vertrek HK02 Sectie Stad		30 Plaats van de goederen AL01		30a Aanvullende plaats van de goederen DUFREY'S DUTY FREE STORE	
31 Colli en om- en van de goederen		32 Art. 1		33 Goederencode 22030090	
Merken en nummers BALASHI IN CANS 12/333ML		34 L. van oorsprong a US b		35 Brutomassa (kg) 1.275,00	
Aantal en Soort 300 BLKN Blikken		37 PROCEDURE 1300 000		38 Nettomassa (kg) 1.275,00	
Goederenomschrijving andere BALASHI IN CANS 12/333ML		40 Summiere aangifte/voorafgaand document S/L		39 Contingent	
44 Bijzondere vermelding voorgelegde stukken/cer- tificaten en vergunningen		Vergunning Nr 0,00-0,00 A.D.		41 Aanvullende eenheden XFL 3.600,0000	
		D.		43 W.M. cod	
		D.Aantal		45 Aanpassing	
				46 Douanewaarde	
				* TRADE SECRET /	
47 Berekening van de belastingen		Type		48 Rekeninghoudernummer	
		Maatstaf van heffing		49 Identificatie van het entrepot	
		Tarief			
		Bedrag			
		WB			
		Totaal		0,00	
		50 Aangever douanevervoer		Handtekening	
		Nr.		C KANTOOR VAN VERTREK	
51 Voorzlene kantoren van doorgang		Vertegenwoordigd Plaats en datum			
52 Zekerheid niet geldig		Code		53 Kantoor van bestemming	
D CONTROLE DOOR KANTOOR VAN VERTREK		Stempel:		54 Plaats en datum	
Handtekening				Handtekening en naam van de aangever/vertegenwoordiger: Stephany Ponson	

BNB 001694 * **TRADE SECRET / ATTORNEYS EYES ONLY** *

Manifest					AANGIFTE		A KANTOOR VAN VERZENDING/UITVOER				
Douane E 319 28/07/2015					UIT 1		HK02				
7 Referentienummer 2015 39001096					3 Formulieren 2 2		Sectie Stad				

31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort				32 Art.	33 Goederencode						
	Merken en nummers				2	Nr. 22030090						
	Aantal en 37 BLKN Blikken											
	Goederenomschrijving											
	andere											
BALASHI CHILL IN CANS 12/333ML									34 L. van oorsprong		35 Brutomassa (kg)	36 Prefer.
				a US b		157,25						
				37 PROCEDURE		38 Nettomassa (kg)		39 Contingent				
				1300 000		157,25						
				40 Summiere aangifte/voorafgaand document				S/L				
				41 Aanvullende eenheden				43 W.M.				
				XFL 444,0000				cod				
				Code BV								
				46 Douanewaarde								

*** TRADE SECRET /**

31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort				32 Art.	33 Goederencode			
	Merken en nummers					Nr.			
	Aantal en soort								
	Goederenomschrijving								
				34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.	
				a b					
				37 PROCEDURE		38 Nettomassa (kg)		39 Contingent	
				40 Summiere aangifte/voorafgaand document				S/L	
				41 Aanvullende eenheden				43 W.M.	
								cod	
				Code BV					
				46 Douanewaarde					

44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr				D.Waarde				D.Aantal			
	0,00-0,00											
	A.D.											

31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort				32 Art.	33 Goederencode			
	Merken en nummers					Nr.			
	Aantal en								
	Goederenomschrijving								
				34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.	
				a b					
				37 PROCEDURE		38 Nettomassa (kg)		39 Contingent	
				40 Summiere aangifte/voorafgaand document				S/L	
				41 Aanvullende eenheden				43 W.M.	
								cod	
				Code BV					
				46 Douanewaarde					

44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr				D.Waarde				D.Aantal			
	A.D.											

47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Maatstaf van heffing	Tarief	Bedrag	WB
	Totaal Eerste Artikel				0,00	Totaal Tweede Artikel				
	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Bedrag			
Totaal Derde Artikel					Totaal				0,00	

BNB 001695 * TRADE SECRET / ATTORNEYS EYES ONLY *

INVOICE

Page 1 of 1

Brouwerij Nacional Balashi
Balashi z/n - Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001096

Invoiced: 07/28/2015
10:06:42AM

PERS.NO.: 2488343
KVK NO.: 767.0

PO#: WAR0005087

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 07/28/2015 10:06:49AM Route: 390 Sales Rep: 99999340 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Tot.	Weight	UOM	Item Weight	Random Weights				

Sales

60600212	300	300	CS12	12/333ml Balashi Cans
60601212	37	37	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Charged:
Paid Cash:
Paid Debit:
Paid Credit:
Paid Check:

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

In: 337.00/0.00

Out: 0.00/0.00

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001696 * TRADE SECRET / ATTORNEYS EYES ONLY *

X-----
Customer's Signature

X-----
Sales Representative Signature

TFS#D-05708



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	01/12/2015 E 543	2015 39001121	01/12/2015 X 543	225
Aangever		Importeur	Exporteur	
3107830			3107830	
Brouwerij Nacional Balashi			Brouwerij Nacional Balashi	
Brouwerij Nacional Balashi N.V.			Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Handtekening



BNB 001712 * ~~TRADE SECRET~~ / ATTORNEYS EYES ONLY *



WEGVOERINGS DOCUMENT

Douanekantoor: HK02 - Sectie Stad

Wijze van betaling N.V. T.

Kwitantienummer: *****

Aangever
3107830

Importeur

Exporteur
3107830

Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Registratie referentie: 2015 E 543

Model

Artikelen 2

Validatie referentie: 2015 X 543

UIT 1

Aantal Colli 225

Validatie datum: 01/12/2015

Vervoermiddel: TRUCK

Artikel Nummer	Bruto massa	Goederencode (Heffing) - Goederenomschrijving			Douanewaarde
	Aanv. eenheden	Aantal Colli	Merken		
1	824,00	22030090 - andere/BALASHI CANS 12/333ML			* <i>TRADE SECRET / ATTORNEYS EYES ONLY</i> *
	2400XFL/0.333LTR	200 BLKN (Blikken)	BALASHI CANS 12/333ML		
2	103,00	22030090 - andere/BALASHI CHILL 12/333 ML			
	300XFL/0.333LTR	25 BLKN (Blikken)	BALASHI CHILL 12/333ML		



Totaal gewicht 927,00

Totaal colli 225

Artikelen 2

Customs officer

BNB 001713 * TRADE SECRET / ATTORNEYS EYES ONLY *

2 Afzender/Exporteur Nr. 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		1 AANGIFTE		HK02	
		UIT 1		Sectie Stad	
		3 Formulieren 4 Ladingslijsten		E 543 01/12/2015	
		1 2		Manifest	
5 Artikelen		6 Totaal colli		7 Referentienummer	
2		225		2015 39001121	
8 Importeur		Nr.		9 Financieel verantwoordelijke	
10 Land eerste		11 Handelsland		13 G.L.B.	
US		bestem. US		cty	
14 Aangever		Nr. 3107830		15 Land van herkomst/uitvoer	
Brouwerij Nacional Balashi		Brouwerij Nacional Balashi N.V.		Aruba	
Balashi Z/N Balashi/Barcadera		Balashi Z/N Balashi/Barcadera		16 Land van oorsprong	
18 Identiteit en nationaliteit van het vervoermiddel bij aankomst/vertrek		19 Ctr.		20 Leveringsvoorwaarden	
TRUCK		AW		no	
21 Identiteit en nationaliteit van het vervoermiddel bij grensoverschrijding		22 Valuta		23 Wisselkoers	
AWG		1,00		24 Aard van de	
25 Vervoerwijze		26 Binnenlandse		27 Plaats van lading/lossing	
4		Vervoerwijze		28 Finansiële	
29 Kantoor van binnenkomst/vertrek		30 Plaats van de goederen		30a Aanvullende plaats van de goederen	
HK02 Sectie Stad		AL01		DUFYRS DUTY FREE STORE	
31 Colli en om- en van de goederen		32 Art.		33 Goederencode	
Merken en nummers		1		No. 22030090	
Aantal en Soort		200 BLKN Blikken		34 L. van oorsprong	
Goederenomschrijving		andere		35 Brutomassa (kg)	
BALASHI CANS 12/333ML		BALASHI CANS 12/333ML		a US b 824,00	
44 Bijzondere vermeldingen		Vergunning Nr		D. Aantal	
vermeldingen		0,00-0,00		D. Aantal	
stukken/certificaten en vergunningen		A.D.		45 Aanpassing	
47 Berekening van de belastingen		Type		Maatstaf van heffing	
48 Rekeninghoudernummer		49 Identificatie van het entrepot		50 Aangever douanevervoer	
Type		Maatstaf van heffing		Nr.	
Taraief		Bedrag		Handtekening	
WB		Totaal		0,00	
51 Voorziene kantoren van doorgang		Vertegenwoordigd		Plaats en datum	
52 Zekerheid niet geldig		Code		53 Kantoor van bestemming	
D CONTROLE DOOR KANTOOR VAN VERTREK		Stempel:		54 Plaats en datum	
Handtekening		Handtekening en naam van de aangever/vertegenwoordiger:		Stephany Ponson	

BNB 001714 * TRADE SECRET / ATTORNEYS EYES ONLY *

Manifest Douane E 543 01/12/2015 7 Referentienummer 2015 39001121					1 AANGIFTE UIT 1		A KANTOOR VAN VERZENDING/UITVOER HK02 Sectie Stad					
					3 Formulieren 2 2							
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort Merken en nummers BALASHI CHILL 12/333ML Aantal en 25 BLKN Blikken Goederenomschrijving andere BALASHI CHILL 12/333 ML					32 Art.	2	Nr.	33 Goederencode	22030090		
								34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.
								a US b		103,00		
								37 PROCEDURE		38 Nettomassa (kg)		39 Contingent
								1300 000		103,00		
					40 Summiere aangifte/voorafgaand document					S/L		
					41 Aanvullende eenheden					XFL 300,0000		43 W.M.
										Code BV		
										46 Douanewaarde		
										* TRADE SECRET		
	Merken en nummers - Aantal en soort Merken en nummers Aantal en soort Goederenomschrijving					32 Art.		Nr.	33 Goederencode			
								34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.
								a b				
								37 PROCEDURE		38 Nettomassa (kg)		39 Contingent
					40 Summiere aangifte/voorafgaand document					S/L		
					41 Aanvullende eenheden							43 W.M.
										Code BV		
										46 Douanewaarde		
	Merken en nummers - Aantal en soort Merken en nummers Aantal en Goederenomschrijving					32 Art.		Nr.	33 Goederencode			
								34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.
								a b				
								37 PROCEDURE		38 Nettomassa (kg)		39 Contingent
					40 Summiere aangifte/voorafgaand document					S/L		
					41 Aanvullende eenheden							43 W.M.
										Code BV		
										46 Douanewaarde		
	Merken en nummers - Aantal en soort Merken en nummers Aantal en Goederenomschrijving					32 Art.		Nr.	33 Goederencode			
								34 L. van oorsprong		35 Brutomassa (kg)		36 Prefer.
								a b				
								37 PROCEDURE		38 Nettomassa (kg)		39 Contingent
					40 Summiere aangifte/voorafgaand document					S/L		
					41 Aanvullende eenheden							43 W.M.
										Code BV		
										46 Douanewaarde		
47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Maatstaf van heffing	Tarief	Bedrag	WB		
	Totaal Eerste Artikel						Totaal Tweede Artikel					
	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Bedrag					
Totaal Derde Artikel						Totaal						
						0,00						

BNB 001715 * TRADE SECRET / ATTORNEYS EYES ONLY *

INVOICE

Page 1 of 1

PO#: WAR0005448

Brouwerij Nacional Balashi
Balashi z/n – Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001121

Invoiced: 12/1/2015
9:00:16AM

PERS.NO.: 2488343
KVK NO.: 767.0

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 12/1/2015 9:00:24AM Route: 390 Sales Rep: 99999340 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Tot Weight	UOM	Item Weight		Random Weights				

Sales

60600212	200	200	CS12	12/333ml Balashi Cans
60601212	25	25	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Charged:
Paid Cash:
Paid Debit:
Paid Credit:
Paid Check:

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

In: 225.00/0.00 Out: 0.00/0.00

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001716 * TRADE SECRET / ATTORNEYS EYES ONLY *

X
Customer's Signature

X
Sales Representative Signature

TFS#D-05708

Declaration of Paul Disch
EXHIBIT 9

FOR TTB USE ONLY

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
**APPLICATION FOR AND
CERTIFICATION/EXEMPTION OF LABEL/BOTTLE
APPROVAL**

(See Instructions and Paperwork Reduction Act Notice on Back)

TTB ID

14205001000178

1. REP. ID. NO. (If any)

CT

951

OR

4P

PART I - APPLICATION

2. PLANT
REGISTRY/BASIC
PERMIT/BREWER'S
NO. (Required)

FL-I-21110

3. SOURCE OF
PRODUCT (Required)☐ Domestic☒ Imported8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT
REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED
DBA OR TRADENAME IF USED ON LABEL (Required)AQUARIUS CONSULTING GROUP, LLC
9429 MYRTLE CREEK LN , CONDO #4054. SERIAL NUMBER
(Required)

140124

5. TYPE OF PRODUCT
(Required)☐ WINE☐ DISTILLED SPIRITS☒ MALT BEVERAGE

OLANDO FL 32832

6. BRAND NAME (Required)

BALASHI

8a. MAILING ADDRESS, IF DIFFERENT

7. FANCIFUL NAME (If any)

9. EMAIL ADDRESS

10. GRAPE VARIETAL(S)
(If any)

11. FORMULA

18. TYPE OF APPLICATION
(Check applicable box(es))

12. NET CONTENTS

11.27

13. ALCOHOL CONTENT

5

14. WINE APPELLATION
IF ON LABELa. ☒ CERTIFICATE OF LABEL APPROVALb. ☐ CERTIFICATE OF EXEMPTION FROM LABEL
APPROVAL
"For sale in _____ only" (Fill in State
abbreviation.)c. ☐ DISTINCTIVE LIQUOR BOTTLE APPROVAL.
TOTAL BOTTLE CAPACITY BEFORE CLOSURE
_____ (Fill in amount)d. ☒ RESUBMISSION AFTER REJECTION
TTB ID. NO. 1405700100013915. WINE VINTAGE DATE
IF ON LABEL

16. PHONE NUMBER

(941) 518-1091

17. FAX NUMBER

19. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF
IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT
APPEARING ON LABELS.

NATIONAL BALASHI BREWERY NETHERLANDS

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.

20. DATE OF
APPLICATION

07/24/2014

21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

(Application was e-filed)

22. PRINT NAME OF APPLICANT OR
AUTHORIZED AGENT

billy valentine

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED

08/14/2014

24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU



BNB 000427

FOR TTB USE ONLY

QUALIFICATIONS

Approved despite error(s) in your GWS. When new labels are printed, change the statement so the spelling, punctuation, appearance, bold header, and capitalization are in compliance with 27 CFR 16, as follows:
GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.
TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

EXPIRATION DATE (if any)

STATUS
THE STATUS IS APPROVED.

CLASS/TYPE DESCRIPTION
BEER

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front)

Actual Dimensions: 8 inches W X 4.25 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.

PLEASE RECYCLE



WINNER OF 2 GOLD
MEDALS



HELP KEEP ARUBA CLEAN AND BEAUTIFUL
CONTENTS 11.27 FL. OZ (333.3ml) 5% ALC/VOL

Proudly Brewed in Aruba by:
Brouwerij Nacional Balashi N.V.

Imported by Aquarius Consulting Group
LLC Orlando, FL 32832

Government Warning:

(1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.
(2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.



Brewed with Aruba's pristine Water... Best quality, Best taste!

Aruba's Beer

PREMIUM BEER

Balashi

BREWED IN ARUBA

Traha cu awa cristalino di Aruba... Mijor calidad, Mijor sabor!

11.27 FL. OZ (333.3 ml)

Aruba's Beer

EXHIBIT “P”

Part 8



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	16/12/2014 E 461	2014 39001063	16/12/2014 X 461	250
Aangever		Importeur	Exporteur	
3107830			3107830	
Brouwerij Nacional Balashi			Brouwerij Nacional Balashi	
Brouwerij Nacional Balashi N.V.			Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Brouwerij Nacional Balashi N.V.
Balashi z/n, Santa Cruz, Aruba • P.O. Box # 145
Tel: 585-4805 • 585-8700 * Fax: 585-6144
E-mail: consumers@cocacola.aw

Handtekening



BNB 001648 * TRADE SECRET / ATTORNEYS EYES ONLY *



WEGVOERINGS DOCUMENT

Douanekantoor: HK02 - Sectie Stad

Wijze van betaling N.V. T.

Kwitantienummer: *****

Aangever
3107830
Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Importeur

Exporteur
3107830
Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Registratie referentie: 2014 E 461 Model Artikelen 2
Validatie referentie: 2014 X 461 UIT 1 Aantal Colli 250
Validatie datum: 16/12/2014
Vervoermiddel: TRUCK

Artikel Nummer	Bruto massa	Goederencode (Heffing) - Goederenomschrijving		
	Aanv. eenheden	Aantal Colli	Merken	Douanewaarde
1	842,00	22030090 - andere/BALASHI CANS 12/333ML		
	2400XFL/0.333LTR	200 BLKN (Blikken)	BALASHI CANS 12/333ML	
2	212,50	22030090 - andere/BALASHI CHILL IN CANS 12/333ML		
	600XFL/0.333LTR	50 BLKN (Blikken)	BALASHI CHILL IN CANS 12/333ML	

* TRADE
SECRET /
ATTORNEYS
EYES ONLY *



Totaal gewicht 1.054,50

Totaal colli 250

Artikelen 2

Customs officer

Chairman

BNB 001649 * TRADE SECRET / ATTORNEYS EYES ONLY *

BNB 001650 * TRADE SECRET / ATTORNEYS EYES ONLY *

Manifest Douane E 461 16/12/2014 7 Referentienummer 2014 39001063					AANGIFTE UIT 1 3 Formulieren 2 2		A KANTOOR VAN VERZENDING/UITVOER HK02 Sectie Stad					
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort Merken en nummers Aantal en 50 BLKN Blikken Goederenomschrijving andere BALASHI CHILL IN CANS 12/333ML					32 Art. 2	Nr.	33 Goederencode 22030090	34 L. van oorsprong a US b 212,50		35 Brutomassa (kg) 212,50	36 Prefer.
								37 PROCEDURE 1300 000	38 Nettomassa (kg) 212,50	39 Contingent		
								40 Summiere aangifte/voorafgaand document		S/L		
								41 Aanvullende eenheden XFL 600,0000			43 W.M. cod	
								Code BV		46 Douanewaarde		
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr 0,00-0,00 A.D.							* TRADE SECRET /				
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort Merken en nummers Aantal en soort Goederenomschrijving					32 Art.	Nr.	33 Goederencode	34 L. van oorsprong a b		35 Brutomassa (kg)	36 Prefer.
								37 PROCEDURE	38 Nettomassa (kg)	39 Contingent		
								40 Summiere aangifte/voorafgaand document		S/L		
								41 Aanvullende eenheden			43 W.M. cod	
								Code BV		46 Douanewaarde		
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr A.D.							46 Douanewaarde				
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort Merken en nummers Aantal en Goederenomschrijving					32 Art.	Nr.	33 Goederencode	34 L. van oorsprong a b		35 Brutomassa (kg)	36 Prefer.
								37 PROCEDURE	38 Nettomassa (kg)	39 Contingent		
								40 Summiere aangifte/voorafgaand document		S/L		
								41 Aanvullende eenheden			43 W.M. cod	
								Code BV		46 Douanewaarde		
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr A.D.							46 Douanewaarde				
47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Maatstaf van heffing	Tarief	Bedrag	WB		
	Totaal Eerste Artikel 0,00					Totaal Tweede Artikel						
	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Bedrag					
Totaal Derde Artikel					Totaal					0,00		

BNB 001651 * **TRADE SECRET / ATTORNEYS EYES ONLY** *

INVOICE

Page 1 of 1

Brouwerij Nacional Balashi
Balashi z/n - Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001063

Invoiced: 12/08/2014
3:14:55PM

PERS.NO.: 2488343
KVK NO.: 767.0

PO#: war0004379

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 12/08/2014 3:15:02PM Route: 390 Sales Rep: 99999457 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
To	Weight	UOM	Item Weight	Random Weights				

Sales

60600212	200	200	CS12	12/333ml Balashi Cans
60601212	50	50	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Charged: *** TRADE SECRET / ATTORNEYS EYES ONLY ***

Paid Cash:
Paid Debit:
Paid Credit:
Paid Check:

In: 250.00/0.00

Out: 0.00/0.00

ORIGINAL

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001652 * TRADE SECRET / ATTORNEYS EYES ONLY *

X-----
Customer's Signature

X-----
Sales Representative Signature

TFS#D-05708

Tropical Bottling-Balashi

Load Pick Report

12/08/2014 3:05:16 PM

By ASC Inc.

Load Plan L18409

Sorted By: Load Plan #

Page 1 of 1

Load Plan #: L18409

Scheduled Date: 12/08/2014

Scheduled Time: 01/01/1900

Stage Location:

Route ID: 390



Item ID	Description	Location ID	Qty To Pick	P	C	E	Qty Picked	Qty Left To Pick
Category: N_3 cans								
60600212	12/333ml Balashi Cans		200	1	0	0	0	200
60601212	12/333ml Chill Cans		50	0	0	0	0	50
Category Totals:			250	1	0	0	0	250
Report Complete. Number of Records: 2			250	1	0	0	0	250

PURCHASE ORDER

No. WAR0004379

No Back Orders Accepted

Bill To:
DUFREY Aruba

00165704 -> 618409
00163708 -> 2318410
00101000

Delivery 10-17



Page: 1

December 2, 2011
1:23:27 PM

Vendor: WA10021

TROPICAL BOTTLING
Balashi Z/N
Balashi
ARUBA

Ship To: AW7052

Aruba DP Main Warehouse
ARUBA

Entry Date 12/02/14
Status Open
Confirm To

Buyer
Email
Phone No.

Terms 30 DIAS
Ship Via

Incoterm

Exchange Rate 0.55555

Final Shipping Destination

Item No.	Part No.	Original Part No.	Description	Dest	PK	Qty Ordered	Pieces	Unit Cost	Disc%	Disc. Amount	Amount
AW0000717		60600212	BALASHI BEER 12 Oz 12PK		Mastercase	400	400		0	0.00	
AW0000718		60601212	BALASHI CHILL 12 Oz 12PK		Mastercase	100	100		0	0.00	

200x
50x { 10

200x
50x { 17

* TRADE
SECRET /
ATTORNEYS EYES ONLY

* TRADE
SECRET /
ATTORNEYS EYES ONLY

BNB 001650 ONLY TRADE SECRET / ATTORNEYS EYES ONLY *

Comments

TOTALS 500 500 0.00

Authorized By

Created By

Subtotal:
Invoice Discount:
AWG Total:
Purchase (LCY)

* TRADE
SECRET /
ATTORNEYS EYES ONLY *

Declaration of Paul Disch

EXHIBIT 8



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Aangifte referentie

Model	Douane referentie	Aangever referentie	Validatie referentie	Aantal Colli
UIT 1	10/03/2015 E 73	2015 39001089	10/03/2015 X 73	130

Aangever
3107830

Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Importeur

Exporteur
3107830

Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Kantoor zegel

Handtekening



BNB 001668 * TRADE SECRET / ATTORNEYS EYES ONLY *



WEGVOERINGS DOCUMENT

Douanekantoor: HK02 - Sectie Stad

Wijze van betaling N.V. T.

Kwantientienummer: *****

Aangever

Importeur

Exporteur

3107830

3107830

Brouwerij Nacional Balashi

Brouwerij Nacional Balashi

Brouwerij Nacional Balashi N.V.

Brouwerij Nacional Balashi N.V.

Registratie referentie: 2015 E 73

Model

Artikelen 2

Validatie referentie: 2015 X 73

UIT 1

Aantal Colli 130

Validatie datum: 10/03/2015

Vervoermiddel: TRUCK

Artikel Nummer	Bruto massa	Goederencode (Heffing) - Goederenomschrijving			Douanewaarde
	Aanv. eenheden	Aantal Colli	Merken		
1	422,00	22030090 - andere/BALASHI IN CANS 12/333ML			* TRADE SECRET / ATTORNEYS EYES ONLY *
	1200XFL/0.333LTR	100 BLKN (Blikken)	BALASHI IN CANS 12/333ML		
2	127,00	22030090 - andere/BALASHI CHILL IN CANS 12/333ML			
	360XFL/0.333LTR	30 BLKN (Blikken)	BALASHI CHILL IN CANS 12/333ML		



Totaal gewicht 549,00

Totaal colli 130

Artikelen 2

2 Afzender/Exporteur Nr. 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V. Balashi Z/N Balashi/Barcadera Balashi Z/N Balashi/Barcadera		1 AANGIFTE		HK02	
		UIT 1		Sectie Stad	
		3 Formulieren 1 2		4 Ladinglijsten	
		5 Artikelen 2		6 Totaal coll 130	
8 Importeur		Nr.		7 Referentienummer 2015 39001089	
14 Aangever		Nr. 3107830		15 Land van herkomst/uitvoer Aruba	
16 Land van oorsprong Verenigde Staten		17 Land van bestemming Verenigde Staten		15 Code L. herk. a AW b	
18 Identiteit en nationaliteit van het vervoermiddel bij aankomst/vertrek TRUCK		19 Ctr. AW no		20 Leveringsvoorwaarden FOB ARUBA	
21 Identiteit en nationaliteit van het vervoermiddel bij grensoverschrijding		22 Valuta AWG		3 Wisselkoers 1,00	
25 Vervoerwijze 4		26 Binnenlandse Vervoerwijze		24 Aard van de transactie	
29 Kantoor van binnenkomst/vertrek HK02 Sectie Stad		30 Plaats van de goederen AL01		30a Aanvullende plaats van de goederen DUFYRS DUTY FREE STORES	
31 Colli en om- en van de goederen	Merken en nummers - Aantal en soort		32 Art. 1		33 Goederencode 22030090
	Merken en nummers BALASHI IN CANS 12/333ML		34 L. van oorsprong a US b		35 Brutomassa (kg) 422,00
	Aantal en Soort 100 BLKN Blikken		37 PROCEDURE 1300 000		38 Nettomassa (kg) 422,00
	Goederenomschrij andere BALASHI IN CANS 12/333ML		40 Summiere aangifte/voorafgaand document S/L		39 Contingent
44 Bijzondere vermeldinge voorgelegde stukken/cer- tificaten en vergunningen	Vergunning Nr 0,00-0,00		D. Aantal		41 Aanvullende eenheden XFL 1.200,0000
	A.D.		Code BV		43 W.M. cod
			45 Aanpassing		46 Douanewaarde
					* TRADE SECRET
47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB
	Totaal				0,00
	50 Aangever douanevervoer				Nr.
51 Voorziede kantoren van doorgang	Handtekening				C KANTOOR VAN VERTREK
	Vertegenwoordigd Plaats en datum				
52 Zekerheid niet geldig				Code	53 Kantoor van bestemming
D CONTROLE DOOR KANTOOR VAN VERTREK				Stempel:	54 Plaats en datum
Handtekening				Handtekening en naam van de aangever/vertegenwoordiger: Stephany Ponson	

BNB 001670 * **TRADE SECRET** / ATTORNEYS EYES ONLY *

Manifest					<div>1 AANGIFTE</div> <div>UIT 1</div> <div>3 Formulieren 2 2</div>		A KANTOOR VAN VERZENDING/UITVOER				
Douane E 73 10/03/2015							HK02				
7 Referentienummer 2015 39001089							Sectie Stad				
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort					32 Art.	33 Goederencode				
	Merken en nummers					2	22030090				
	Aantal en 30 BLKN Blikken										
	Goederenomschrijving										
	andere										
BALASHI CHILL IN CANS 12/333ML											
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr					D.Waarde		D.Aantal			
	0,00-0,00										
	A.D.										
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort					32 Art.	33 Goederencode				
	Merken en nummers										
	Aantal en soort										
	Goederenomschrijving										
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr					D.Waarde		D.Aantal			
	A.D.										
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort					32 Art.	33 Goederencode				
	Merken en nummers										
	Aantal en										
	Goederenomschrijving										
44 Bijzondere vermeldinge voorgelegde stukken/certificaten en vergunninge	Vergunning Nr					D.Waarde		D.Aantal			
	A.D.										
47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Maatstaf van heffing	Tarief	Bedrag	WB	
Totaal Eerste Artikel					0,00	Totaal Tweede Artikel					
Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type						Bedrag
Totaal Derde Artikel						Totaal					0,00

BNB 001671 * TRADE SECRET / ATTORNEYS EYES ONLY *

INVOICE

Page 1 of 1

PO#: WAR0004672

Brouwerij Nacional Balashi
Balashi z/n - Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001089

Invoiced: 03/06/2015
4:39:43PM

PERS.NO.: 2488343
KVK NO.: 767.0

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 03/06/2015 4:39:49PM Route: 390 Sales Rep: 99999457 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Total	Weight	UOM	Item Weight	Random Weights				

Sales

60600212	100	100	CS12	12/333ml Balashi Cans
60601212	30	30	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS
EYES ONLY ***

Charged: *** TRADE SECRET / ATTORNEYS EYES ONLY ***

Paid Cash:

Paid Debit:

Paid Credit:

Paid Check:

In: 130.00/0.00

Out: 0.00/0.00

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001672 * TRADE SECRET / ATTORNEYS EYES ONLY *

X-----
Customer's Signature

X-----
Sales Representative Signature

TFS#D-05708

PURCHASE ORDER

No. WAR0004672

No Back Orders Accepted

Bill To:
DUFY Aruba



Page: 1 March 3, 2015 1:15:13 PM

Vendor: WA10021

TROPICAL BOTTLING

Balashi Z/N

Balashi

ARUBA

Ship To: AW7075

Aruba Airport DF Warehouse

ARUBA

Entry Date

Status

Confirm To

Buyer

Email

Phone No.

Terms

Ship Via

Incoterm

Exchange Rate

03/03/15

Open

30 DIAS

0.55555

Final Shipping Destination

00166076

Original Part

Part No.

No.

Description

Dest

PK

Qty

Ordered

Pieces

Unit Cost

Disc%

Disc.

Amount

Amount

AW000077

AW000078

60600212

60601212

BALASHI BEER 12 Oz 12PK

BALASHI CHILL 12 Oz 12PK

Mastercase

Mastercase

100

30

100

30

0

0

0.00

0.00

* TRADE SECRET / ATTORNEYS EYES ONLY *

* TRADE SECRET / ATTORNEYS EYES ONLY *

Comments

TOTALS

130

130

0.00

* TRADE SECRET / ATTORNEYS EYES ONLY *

Subtotal:
Invoice Discount:
AWG Total:
Purchase (LCY)

Authorized By

Created By

Tropical Bottling-Balashi

Load Pick Report

03/06/2015 4:38:20 PM
By ASC Inc.

Load Plan L19625
Sorted By: Load Plan #

Page 1 of 1

Load Plan #: L19625
Scheduled Date: 03/10/2015
Scheduled Time: 01/01/1900
Stage Location: Dufry
Route ID: 390



Item ID		Description	Location ID	Qty To Pick	P	C	E	Qty Picked	Qty Left To Pick
Category:		N_3 cans							
60600212		12/333ml Balashi Cans		100	0	0	0	0	100
60601212		12/333ml Chill Cans		30	0	0	0	0	30
Category Totals:				130	0	0	0	0	130
Report Complete. Number of Records: 2				130	0	0	0	0	130



WEGVOERINGS DOCUMENT

Douanekantoor: HK02 - Sectie Stad

Wijze van betaling N.V. T.
Kwitantienummer: *****

Aangever
3107830
Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Importeur

Exporteur
3107830
Brouwerij Nacional Balashi
Brouwerij Nacional Balashi N.V.

Registratie referentie: 2015 E 159 Model Artikelen 2
Validatie referentie: 2015 X 159 UIT 1 Aantal Colli 225
Validatie datum: 28/04/2015
Vervoermiddel: TRUCK

Vervoermiddel: TRUCK

Artikel Nummer	Bruto massa	Goederencode (Heffing) - Goederenomschrijving		Douanewaarde
	Aanv. eenheden	Aantal Colli	Merken	
1	637,50	22030090 - andere/BALASHI IN BLIKKEN 12/333ML		* TRADE SECRET / ATTORNEYS EYES ONLY *
	1800XFL/0.333LTR	150 BLKN (Blikken)	BALASHI IN BLIKKEN 12/333ML	
2	318,75	22030090 - andere/CHILL IN BLIKKEN 12/333ML		
	1152XFL/0.333LTR	75 BLKN (Blikken)	CHILL IN BLIKKEN 12/333ML	



Totaal gewicht 956,25

BNB 001675 *** TRADE SECRET / ATTORNEYS EYES ONLY ***

Artikelen 2

Customs officer

Chairman



Informatie Pagina

Douanekantoor: HK02 - Sectie Stad

Model	Douane referentie	<u>Aangifte referentie</u>	Validatie referentie	Aantal Colli
UIT 1	28/04/2015 E 159	Aangever referentie 2015 39001090	28/04/2015 X 159	225
Aangever 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.		Importeur	Exporteur 3107830 Brouwerij Nacional Balashi Brouwerij Nacional Balashi N.V.	

Kantoor zegel

Handtekening

Manifest										1 AANGIFTE		A KANTOOR VAN VERZENDING/UITVOER			
Douane E 159 28/04/2015										UIT 1		HK02			
7 Referentienummer 2015 39001090										3 Formulieren 2 2		Sectie Stad			
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort										32 Art.	33 Goederencode			
	Merken en nummers CHILL IN BLIKKEN 12/333ML										2	22030090			
	Aantal en 75 BLKN Blikken														
	Goederenomschrijving														
	andere CHILL IN BLIKKEN 12/333ML														
44 Bijzondere vermelding van voorgelegde stukken/certificaten en vergunningen	Vergunning Nr D.Waarde D.Aantal										34 L. van oorsprong 35 Brutomassa (kg) 36 Prefer.				
	0,00-0,00										a US b 318,75				
	A.D.										37 PROCEDURE 38 Nettomassa (kg) 39 Contingent				
											1300 000 318,75				
											40 Summiere aangifte/voorafgaand document S/L				
										41 Aanvullende eenheden 43 W.M.					
										XFL 1.152,0000					
										Code BV					
										46 Douanewaarde					
										* TRADE SECRET /					
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort										32 Art.	33 Goederencode			
	Merken en nummers										Nr.				
	Aantal en soort														
	Goederenomschrijving														
44 Bijzondere vermelding van voorgelegde stukken/certificaten en vergunningen	Vergunning Nr D.Waarde D.Aantal										34 L. van oorsprong 35 Brutomassa (kg) 36 Prefer.				
	A.D.										a b				
											37 PROCEDURE 38 Nettomassa (kg) 39 Contingent				
											40 Summiere aangifte/voorafgaand document S/L				
											41 Aanvullende eenheden 43 W.M.				
										Code BV					
										46 Douanewaarde					
31 Colli en omschrijving van de goederen	Merken en nummers - Aantal en soort										32 Art.	33 Goederencode			
	Merken en nummers										Nr.				
	Aantal en														
	Goederenomschrijving														
44 Bijzondere vermelding van voorgelegde stukken/certificaten en vergunningen	Vergunning Nr D.Waarde D.Aantal										34 L. van oorsprong 35 Brutomassa (kg) 36 Prefer.				
	A.D.										a b				
											37 PROCEDURE 38 Nettomassa (kg) 39 Contingent				
											40 Summiere aangifte/voorafgaand document S/L				
											41 Aanvullende eenheden 43 W.M.				
										Code BV					
										46 Douanewaarde					
47 Berekening van de belastingen	Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Maatstaf van heffing	Tarief	Bedrag	WB					
Totaal Eerste Artikel 0,00					Totaal Tweede Artikel										
Type	Maatstaf van heffing	Tarief	Bedrag	WB	Type	Bedrag									
Totaal Derde Artikel					Totaal					0,00					

BNB 001677 * **TRADE SECRET / ATTORNEYS EYES ONLY** *

INVOICE

Page 1 of 1

Brouwerij Nacional Balashi
Balashi z/n - Aruba
Main: (297) 5858700
Customer Service: (297) 523-6565

Invoice # 39001090

Invoiced: 04/28/2015
3:26:19PM

PERS.NO.: 2488343
KVK NO.: 767.0

PO#:
WAR0004813

Ship to:
CDUF1001 Dufrys Duty Free Stores
Queen Beatrix Airport
Fax : 5822773
Oranjestad

Printed: 04/28/2015 3:26:26PM Route: 390 Sales Rep: 99999457 Warehouse: 390 Terms: Charge 30D

Product #	Order	Ship	UOM	Description	Price	Allow	Deposit	Amount
	UPC Code			Long Description				
Total Weight	UOM	Item Weight		Random Weights				

Sales

60600212	150	150	CS12	12/333ml Balashi Cans
60601212	75	75	CS12	12/333ml Chill Cans

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

Cred:
Paid Cash:
Paid Debit:
Paid Credit:
Paid Check:

*** TRADE SECRET / ATTORNEYS EYES ONLY ***

In: 225.00/0.00 Out: 0.00/0.00

Payment: 0.00

Retail Total:

Received in good order:

Surcharge Desc: 0.00

BNB 001679 * TRADE SECRET / ATTORNEYS EYES ONLY *

X

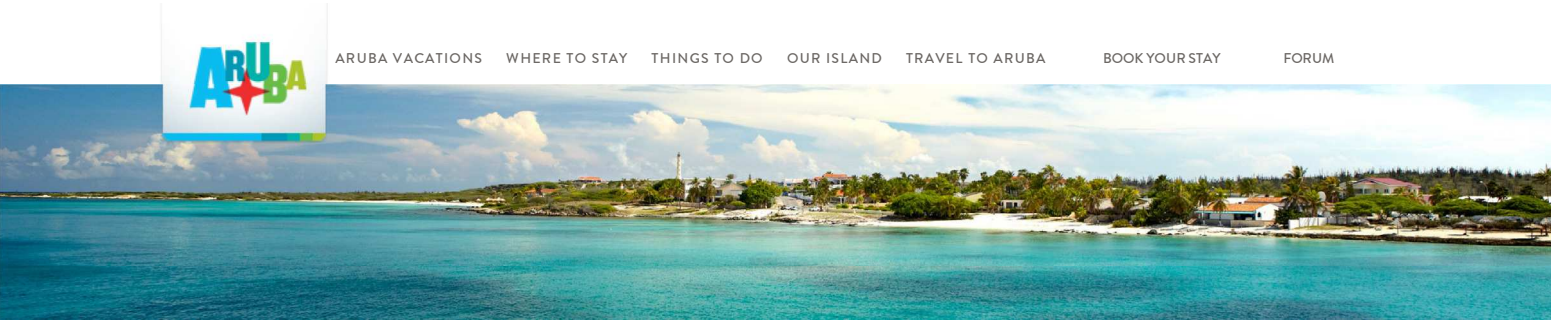
X

Sales Representative Signature

TFS#D-05708

Opposer's Motion for Summary Judgment

EXHIBIT “U”



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Dear Aruba forum member, registrations to the forum are now activated again!

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Thread: Balashi

❤️ 2 Likes

LinkBack Thread Tools

01-02-2010, 03:11 PM #1

dividiviprincess

Senior Member



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Balashi

My husband and I would like to bring back some Balashi with us to the states. Can anyone tell us how we do that? And how much we can bring? I was reading about the DF in the airport too and am confused. Can anyone help us out? 😊

Share

mmattalo likes this.



Reply With Quote

01-02-2010, 03:23 PM #2

rob o

Senior Member



Join Date: Mar 2008
Posts: 2,680

Brought a six-pack home in checked luggage. No questions, no issue.

Share

®, CindyO and daughters
Traveling with adult "children" is a blessing



Reply With Quote

01-02-2010, 03:33 PM #3

dividiviprincess

Senior Member

😊 Thanks RobO 😊 Would you happen to know if we could bring more? My husband who we call Rob-E would police me if I bring more. LOL.

BNB 000348



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Share



Reply With Quote

01-02-2010, 03:39 PM

#4

Terry Joz
Senior Member



Join Date: May 2007
Location: Catalina Beach (snorkling) Lighthouse Beach (Marriott) casino's Mirandi's, Moomba's, Wacky Wahoo, Barefoot, Suisse Chalet Marriott Ocean Club pool bar DePalm Island
Posts: 616



We bought back 2 six packs in our luggage and also bought 2 six packs at duty free in the airport on the way home last May!! Was fun to drink it at our 4th of July party on the beach.
Terry

Share



Reply With Quote

01-02-2010, 04:07 PM

#5

Retagger
Senior Member



Join Date: Dec 2007
Posts: 403

I carried a case from the duty free shop at the airport.

Last year, the price at the duty free shop was \$5.00 per six pack, several months later it increased to \$6.00; the price is now \$10.00 per six pack.

I just had some several days ago at a New Year's eve party that I hosted back in Jersey - brings back memories of the warm sun in Aruba.....

Regards,

Share

David
<http://www.oldworldphoto.com>
<http://www.homeaway.com/vacation-rental/p232405>

Reply With Quote

01-02-2010, 04:55 PM

#6

dividiviprincess
Senior Member




Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Retagger, thanks so much !! Wonder if it will change after the underwear bomber attempt. Also do you mean a case as in a 12 pack or 24 pack? MMMMM..... BALASHI

BNB 000349

Share




Reply With Quote

01-02-2010, 04:56 PM

#7

Retagger

Senior Member



Join Date: Dec 2007

Posts: 403

four (4) six (6) packs for a total of 24 ...

I am drinking one right now as I write this response....

Last edited by Retagger; 01-02-2010 at 04:59 PM.

Share

David

<http://www.oldworldphoto.com>

<http://www.homeaway.com/vacation-rental/p232405>


Reply With Quote

01-02-2010, 05:00 PM

#8

dividiviprincess

Senior Member




Join Date: Dec 2007

Location: Divi All inclusive is the best !!!

Posts: 206

Oh and thanks Terry !! I will try the suitcase thing too. A friend went to Aruba last year and tried to bring Balashi back in his suitcase and the whole six pack exploded in it HEEHEE...well not funny really. I will get some big ziplocks just incase 😊

Share




Reply With Quote

01-02-2010, 05:01 PM

#9

dividiviprincess

Senior Member




Join Date: Dec 2007

Location: Divi All inclusive is the best !!!

Posts: 206

O000Oh I envy you Retagger !! Send some up to NH would ya???

Share



Reply With Quote

01-02-2010, 08:34 PM

#10

Arubalisa

Senior Member

We just came home with two six packs of Amstel Brights in glass bottles and one six pack of Balashi. 😊 All packed in our suitcases. We do have hard sided luggage and wrap each individually with clothing and cushion in the middle.

The US Customs officer asked if we were bringing back any liquor, dh replied, "just beer" and not another questions was asked. I thought for sure he would want to know how much.

Guess he knows how much we all love Brights and Balashi 😊😊

BNB 000350

12/16/2015



Join Date: May 2007
Location: Any Aruba beach...
Posts: 13,070

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Aruba Bound! ~ Blogging to Aruba ~ Hoosier Kitties ~ Pictures of Aruba



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« beach chairs | Prices cheaper? »

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Forum Rules

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Happy Returners
Aruba Vacations
Deals And Offers
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All Inclusive
Apartments & Condos

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Shopping
Water Fun

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Tips For Tourists
What To Bring
Flying
Cruises
Entry Requirements

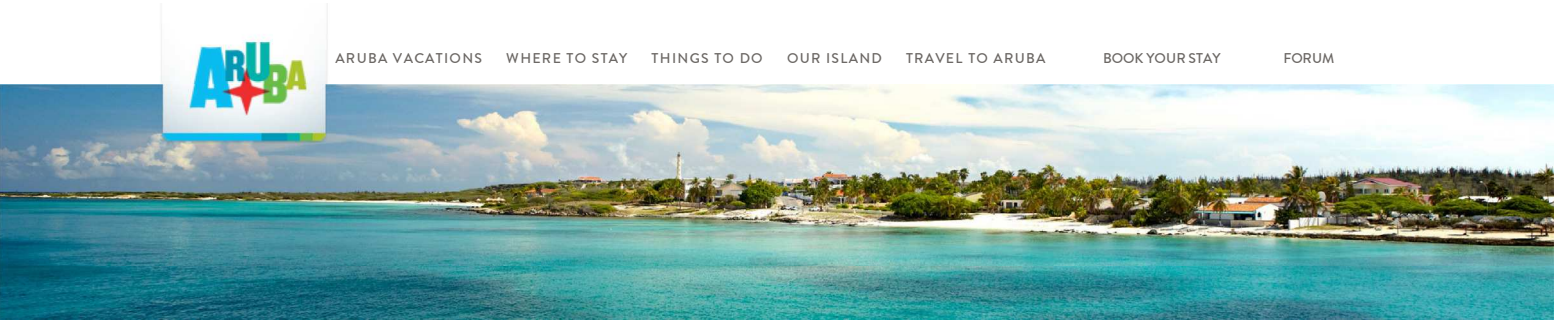
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Phone: 1-800-TO-ARUBA

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To start viewing messages, select the forum that you want to visit from the selection below. To register, click the register link in the upper right corner.

Results 11 to 20 of 36 Page 2 of 4 <<First < 1 2 3 4 > Last >>

Thread: Balashi

2 Likes

LinkBack Thread Tools

01-05-2010, 04:41 PM #11

dividiviprincess

Senior Member



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Hi Arubalisa. I always see your posts on here ! MMMM Balashi. We also love the Tam like you. We stay at the Divi and always cruise over to the Tam because we like it there so much. Both hotels are so nice !!

Share



Reply With Quote

01-05-2010, 04:44 PM #12

aruba here I come

Senior Member



Join Date: Feb 2009
Age: 46
Posts: 337

we brought back a 6 pack in march from the duty free.. just wanted our family to try it.....

Share

Reply With Quote

01-05-2010, 04:48 PM #13

Chadd

Senior Member



Join Date: Oct 2008

I brought back a case in November in addition to all of my rum. I put it in my checked bag after duty free and listed it as "balashi" and the value on my declaration form, I did not list the quantity.

BNB 000352

Location: Arikok Antilla Natural pool
Posts: 1,441

Share

Reply With Quote

01-05-2010, 05:16 PM

#14

Arubalisa

Senior Member



Join Date: May 2007
Location: Any Aruba beach...
Posts: 13,070

Originally Posted by diviprincess

Hi Arubalisa. I always see your posts on here ! MMMM Balashi. We also love the Tam like you. We stay at the Divi and always cruise over to the Tam because we like it there so much. Both hotels are so nice !!

Hi Teresa. We just returned and everything was great as usual. 😊

Share

Reply With Quote

Aruba Bound! ~ Blogging to Aruba ~ Hoosier Kitties ~ Pictures of Aruba



01-05-2010, 05:37 PM

#15

mattnewhampshire

Senior Member

☒ mattnewhampshire's Avatar

Join Date: Aug 2008
Posts: 228

\$10 a sixer!! Outrageous!! In September I bought 4 six packs for \$5 each. The Duty Free is on your way to the gate at the airport so it's a piece of cake. If you don't have a connection in the states you can carry it on, if you have a connection they make you put it in your checked luggage.

Share

Reply With Quote



01-05-2010, 07:34 PM

#16

Chadd

Senior Member



Join Date: Oct 2008
Location: Arikok Antilla Natural pool
Posts: 1,441

Originally Posted by mattnewhampshire

\$10 a sixer!! Outrageous!! In September I bought 4 six packs for \$5 each. The Duty Free is on your way to the gate at the airport so it's a piece of cake. If you don't have a connection in the states you can carry it on, if you have a connection they make you put it in your checked luggage.

There are two duty free locations (for booze) now. One is between security and US customs and the other is next to one of the gates. I'm interested in hearing how they handle it at the new location and if they do any checking to see if you really do have a connection.

Share

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01-05-2010, 07:58 PM

#17

fry120

Member

☒ fry120's Avatar

Join Date: Nov 2009
Location: Natural pool, lighthouse, downtown
Posts: 71

Holy crap. \$10 for a six pack!!

BNB 000353

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01-05-2010, 08:03 PM

#18

Kelly ▾

Junior Member
Join Date: Dec 2009
Posts: 13

balashi

I put it in my suitcase in a collapabile cooler which was filled with food from the states when I went to Aruba. No issues. Bring liquor back in a plastic soda/water bottle in suitcase...

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01-07-2010, 05:50 PM

#19

dividiviprincess ▾

Senior Member



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Now do I have to let Customs know i have the Balashi in my suitcase? And how much?

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01-07-2010, 05:54 PM

#20

dividiviprincess ▾

Senior Member



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206



Originally Posted by **Arubalisa**
Hi Teresa. We just returned and everything was great as usual. 😊

Oh thats good to hear. We are going to be at the Divi April 27th-May 5th. We are so excited. We love the Bunker Bar so much 😊 Let me tell you it sure cant get here fast enough for me heehee 😊

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BNB 000354

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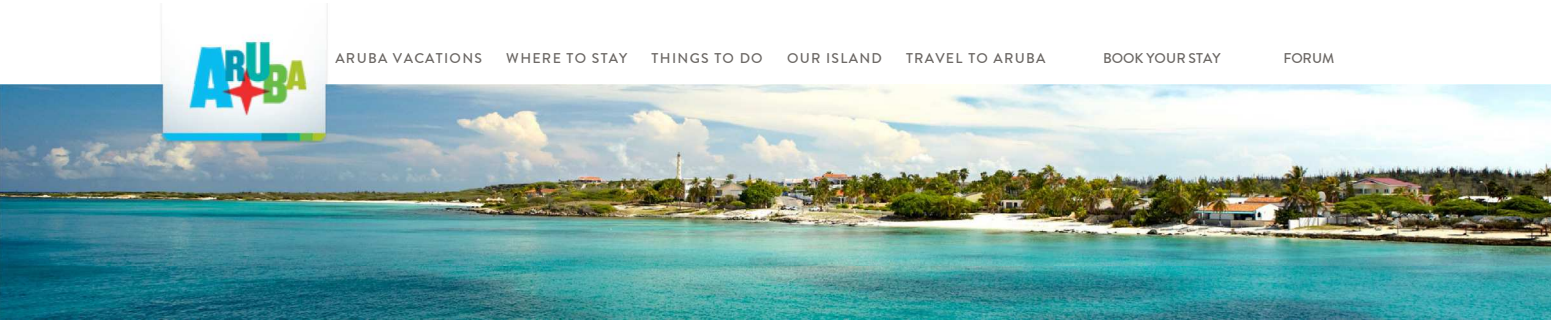
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Thread: Balashi

2 Likes

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01-07-2010, 06:47 PM

#21

Arubalisa Senior Member



Join Date: May 2007
Location: Any Aruba beach...
Posts: 13,070

Originally Posted by diviprincess

Now do I have to let Customs know i have the Balashi in my suitcase? And how much?

They did not ask us **how much** beer we had when we told them we had Balashi and Brights.

Originally Posted by diviprincess

Oh thats good to hear. We are going to be at the Divi April 27th-May 5th. We are so excited. We love the Bunker Bar so much 😊 Let me tell you it sure cant get here fast enough for me heehee 😊

The Bunker Bar is newly painted and refreshed. Quite clean and spiffy I might add!

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Aruba Bound! ~ Blogging to Aruba ~ Hoosier Kitties ~ Pictures of Aruba



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01-18-2012, 10:58 AM

#22

dividiviprincess Senior Member



Join Date: Dec 2007
Location: Divi All inclusive is the best !!!
Posts: 206

How much Balashi ?

Ok who knows how much Balashi I can bring back to the states in my suitcase? And any suggestions on how I can pack it without it exploding all over the inside of my luggage? 😊 Thank you !

Share



BNB 000356

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01-18-2012, 11:09 AM

#23

Cosmo

Senior Member

Join Date: Nov 2007

Location: Boca Catilina

Posts: 400

You can buy 6 packs at the airport, at the duty free. I beleive you can bring 2 6packs back. No need to stuff it in a suitcase the put it in a bag and you can carry it on.

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01-18-2012, 11:22 AM

#24

dividiviprincess


Senior Member



Join Date: Dec 2007

Location: Divi All inclusive is the best !!!

Posts: 206



Originally Posted by Cosmo

You can buy 6 packs at the airport, at the duty free. I beleive you can bring 2 6packs back. No need to stuff it in a suitcase the put it in a bag and you can carry it on.

Hi Cosmo, are there 2 duty free shops that you pass by on your way to the gate? If so which one do I want ? I though on my last trip I passed 2 of them ?

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01-18-2012, 12:50 PM

#25

paulmorin

Senior Member

Join Date: Mar 2009

Location: playa linda, aruba beach club, wacky wahoes, driftwood,french steakhouse, any happy hour


Posts: 319

believe it or not, it's cheaper to buy it here in Mass at Yankee spirits (\$26/case)

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cindyo likes this.

TickerFactory.com



01 02 03 04 05 06 07 08 09 10

2 years 2 weeks 1 day since Aruba!!!!

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01-18-2012, 04:29 PM

#26

Cosmo

Senior Member

Join Date: Nov 2007

Location: Boca Catilina

Posts: 400

Now there is just one Duty Free, before you "reclaim" your luggage. I beleive it was 10 dollars a six pack.

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01-18-2012, 09:45 PM

#27

sagman17

Senior Member




Join Date: May 2007

Location: renaissance private island, iguana joe's, madame janettes..

Posts: 210

hey paul you say they sell balashi at yankee spirits in mass..i can't find balashi anywhere near phila..what's address of yankee spirits it might be worth a road trip..

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scott and tricia

BNB 000357

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01-18-2012, 10:30 PM

#28

cindy ◉

Senior Member



Join Date: May 2007
Location: Renaissance Island & Surf Club Lazy River
Posts: 5,447

Originally Posted by **paulmorin** ◉

believe it or not, it's cheaper to buy it here in Mass at Yankee spirits (\$26/case)

REALLY????

Down the street from us and never seen it. When did you buy it there?
We shop there regularly, weekly is more like it.

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Aruba Sept 2015
Ft Lauderdale Nov 2015
Aruba Dec 2015/ Jan 2016
Palm Beach March 2016
Aruba June 2016

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01-19-2012, 12:46 AM

#29

Chadd ◉

Senior Member



Join Date: Oct 2008
Location: Arikok Antilla Natural pool
Posts: 1,441

Originally Posted by **paulmorin** ◉

believe it or not, it's cheaper to buy it here in Mass at Yankee spirits (\$26/case)

You can buy it in the US? Last time I checked they didn't export.

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01-19-2012, 09:47 AM

#30

paulmorin ◉

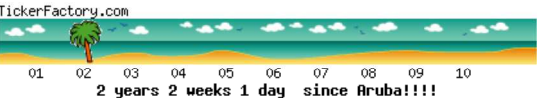
Senior Member

Join Date: Mar 2009
Location: playa linda, aruba beach club, wacky wahoes, driftwood,french steakhouse, any happy hour
Posts: 319

balashi

Sturbridge, Mass. Saw it there last summer. Didn't buy, I hate it.

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Balashi - Beer, Lager - Reviews & Comments

★★★★★ (32 reviews)

Type of drink: Beer > Lager

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Reviews (32)

[Balashi Beer](#) by [ttcmax](#)

★★★★★

Is it possible to have someone in Aruba purchase and mail this beer to the states? Is this legal? How does one go about mailing beer? WE WANT OUR BALASHI! We just returned from Aruba and had a wonderful time. ABC Jeep Tour (Hugo is the guide) is the best. Highly recommended.

0 out of 0 person found this review helpfull.

You must [log in](#) if you want to vote.

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[Love this beer!](#) by [nebraskanative](#)

★★★★★

Would love to have this imported to the U.S. We love this beer!

0 out of 0 person found this review helpfull.

You must [log in](#) if you want to vote.

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[Balashi](#) by [Dana douglas](#)

★★★★★

My Husband and I rent a house every fall on LG Smith Blvd. we stop on they way from the airport to get our Balashi...gotta have it.

0 out of 0 person found this review helpfull.

You must [log in](#) if you want to vote.

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[Balashi](#) by [donandles](#)

★★★★★

my husband and i just returned from our first trip to aruba. had a wonderful stay at tamarijn and enjoyed renting a jeep and doing some amazing "off-road" touring. we had a great lunch at the paddock in downtown oranjestad and were

BNB 000369

<http://www.thebackpacker.net/travel-guide/world-drinks/aruba/12/>

blown away at how good balashi beer tasted. it is without a doubt the best beer i've ever had. i am sad that it is unavailable here at home, but i am still going to ask if the distributor can try to get it.

0 out of 0 person found this review helpful.

You must [log in](#) if you want to vote.

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[yeeaaaah!](#) by [jfisherman](#)

★★★★★

really balashi is worth more than 5 stars!!!! I'm with u all in the search for that balashi flavor. guess i'm going back to aruba!!

0 out of 0 person found this review helpful.

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[Balashi beer](#) by [delawaredave](#)

★★★★★

you can get balashi beer at the duty-free shops at the airport. limit is two cases per traveler. mmm balashi beer.

0 out of 0 person found this review helpful.

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[Review from bob](#) by [bob356](#)

★★★★★

wow, good beer for a 5% volume, shame its not here in england, not very strong but a good beer to lubricate the hot tonsils. enjoy !!!! rob.

0 out of 0 person found this review helpful.

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[Review from jon](#) by [jon242](#)

★★★★★

WTF DO I HAVE TO DO TO GET BALASHI IN MY FRIDGE??I WENT TO ARUBA LAST YEAR AND HAD SUCH A GOOD TIME, WENT ON ALMOST EVERY SAFARI RIDE AND SCUBA OUTFIT THERE WAS, THE WHOLE TIME I DRANK BALASHI, AND I HAVE NEVER HAD A BEER LIKE THAT SINCE . I WOULD REALLY LIKE TO KNOW HOW THE #&^* SOMEONE LIKE ME CAN GET THAT BEER IN MY HAND RIGHT NOW. WHERE DO I GO TO BUY IT, ONLINE?UNDERGROUND? SOON, THERES GONNA BE CRACKHEADS ON THE SIDE OF AIA SELLING BALASHI FOR \$5 AND IM GONNA BE THERE BUYING IT, SOMEONE TELL ME WHERE TO GET IT

0 out of 0 person found this review helpful.

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[Review from Ray Bedner](#) by [Ray Bedner](#)

★★★★★

Balashi....fun to say and great to drink!!!!

0 out of 0 person found this review helpful.

You must [log in](#) if you want to vote.

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[Review from Angelique Fleur](#) by [Angelique Fleur](#)

★★★★★

I'm not a regular beer drinker but on Aruba this beer tasted like heaven. P.s. In any supermarket on Aruba you can find bottles.

0 out of 0 person found this review helpful.

You must [log in](#) if you want to vote.

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[Review from Bakmeyer Eromil](#) by [Bakmeyer Eromil](#)

★★★★★

I just came back from Aruba a few weeks ago. One of those ting I miss the most is Balashi beer

0 out of 0 person found this review helpful.

You must [log in](#) if you want to vote.

BNB 000370

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Review from mike by [mike309](#)



my wife & i just had our honeymoon , in aruba . the first thing i wanted todo was try a Balashi , it was awesome . excellent taste , clean finish , very refreshing . i wish it was sold here in the states !!! you have a excellent product there in the islands !!!

0 out of 0 person found this review helpfull.

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Review from Marta by [Marta000](#)



Oh My God!!!! My husband and I came from Aruba a week ago (June 27/06) and Balashi is the Best !!! better than Heineken ,Oh Yes, Love it. Where can I get this awesome beer in Orlando Florida ????? Balashi , you are the BEST !!!!!!!!!!!!!!!

0 out of 0 person found this review helpfull.

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Review from Jacqueline Campbell by [Jacqueline Campbell](#)



I am not a beer drinker. I do like to taste local favorites. I was so taken with Balashi that I asked my husband at lunch, "why don't we have another Balashi?" Before I knew it was made from desalinized water exclusively from their island, I said to Dave this tates so pure I wonder how they do it? I guess what I'm saying is that this beer is pretty darn good.

0 out of 0 person found this review helpfull.

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Review from Emma & Tony by [Emma & Tony](#)



Returned from Aruba 20th June 06. Fell in love with the island and the people especially the staff at the Tamarijn. Loved the Balashi but figure if it's not available in the US then we're not gonna get it in the UK - people of Aruba, EXPORT YOUR BEER!!!!

0 out of 0 person found this review helpfull.

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Review from Abbey Aznar by [Abbey Aznar](#)



Balashi beer is the best!! We returned from Aruba in April of '06 and that beer was fabulous! How can we get it in the states? If anyone knows, please let me know.

0 out of 0 person found this review helpfull.

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Review from Josh "Slice" E by [Josh "Slice" E](#)



I'm from Aruba, and personally, I don't think Balashi is THAT great. Although it has improved a lot and recently has been tasting pretty great, I've had better. I really, REALLY wish they sold Molson Kick here. We only get Balashi, Heineken, Polar and Budweiser. Not a bad selection, but there's so many others I want to try...

0 out of 0 person found this review helpfull.

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Review from Josh "Slice" E. by [Josh "Slice" E](#)



Also wanted to say, next time you're in Aruba, I urge you to buy Balashi beer at any supermarket close to the Downtown Area. It should be about 2 guilders (around a dollar) there, so you can get more for your money. ~~BNB 000371~~ a tip.

0 out of 0 person found this review helpfull.

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[Review from Ken Hoever](#) by [Ken Hoever](#)

★★★★★

Just returned from Aruba on Feb 17th. Opened my one & only can of Balashi that I smuggled back to the states. It truly is a great beer, great taste. Exhausted my search to find where to purchase some. Don't understand why it's not imported like the other famous names out there.

0 out of 0 person found this review helpfull.

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[Review from Eric Hauschild](#) by [Eric Hauschild](#)

★★★★★

Balashi is not exported from Aruba to the United States. Let me first tell a story: I just got back from a trip with my parents to Aruba. Beautiful island, and we all had a blast. Every night, my father and I would walk along the beach of the Tamarijn Resort and the Divi Resort, and grab a Balashi from one of the all inclusive bars. We would walk along the beach, and experience one of the most beautiful sunsets there is. Gold and pink on teal colored waters. Amazing. Now, I am not a beer professional by any means, but I do know that it was very smooth, refreshing, satisfying, and flavorful. Whether or not it is the best beer ever, regardless, it formed a great memory for me with my father. I smuggled 2 cans back into the U.S., and on Fathers Day of this year, I am going to give my father the Balashi t-shirt I got him, and suprise him with 2 cans of Balashi. Great beer, Great island! Thanks everyone.

0 out of 0 person found this review helpfull.

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[Review from L T](#) by [L T](#)

★★★★★

Is there a way to order Balashi online?

0 out of 0 person found this review helpfull.

You must [log in](#) if you want to vote.

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[Review from drew betts](#) by [drew betts](#)

★★★★★

i love balashi.i was in aruba for t week s and its all i drank.

0 out of 0 person found this review helpfull.

You must [log in](#) if you want to vote.

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[Review from Jerry Brown](#) by [Jerry Brown](#)

★★★★★

You gotta try it!! Positively amazing beer - pours with a nice head, and has a great flavor without the heavy aftertaste. Doesn't get much better than pounding down several Balashis while floating on the water in paradise!! If anyone knows of a Balashi distributor anywhere in the US, please let me know.

0 out of 0 person found this review helpfull.

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[Review from Stephen](#) by [Stephen400](#)

★★★★★

What a wonderful beer to complement a beautiful island! I brought some back to the states, and it tastes good outside of paradise as well. If anyone knows how to procure some stateside, please let me know!

0 out of 0 person found this review helpfull.

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[Review from Paul](#) by [Paul701](#)

★★★★★

Balashi is even better then Heineken

BNB 000372

0 out of 0 person found this review helpfull.

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[Review from Jennifer McIntire](#) by [Jennifer McIntire](#)

★★★★★

Soooo good! My husband and I just got back from Curacao, so wanted to let you know it's available there as well.

Anyone know of a place to find it in the States??? Would much appreciate the info.

0 out of 0 person found this review helpfull.

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[Review from pik'em](#) by [pik'em](#)

★★★★★

BALASHI is a wonderful beer! Because it's brewed with PURE (no minerals), water...it has a very unique taste. I've traveled the world, and have had all the main drops. Very few brews measure up to Balashi. Kong King Market has Balashi in the big cans, however, I found Balashi DRAFT the best (PIZZA BOB'S near The Bucuti Resort - after 9pm....just \$2).

0 out of 0 person found this review helpfull.

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[Review from Matthew](#) by [Matthew910](#)

★★★★★

YUMM! I just got back from a trip to Aruba with my roommates. Balashi was by far the best beer in Aruba. I wish I could find somewhere in Chicago to get some let me know if any of you know! Thanks!

0 out of 0 person found this review helpfull.

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[Review from Sal Paradise](#) by [Sal Paradise](#)

★★★★★

Very good beer, speaks to its Dutch heritage and is perfect for a warm night in town after a long day on the water or beach

0 out of 0 person found this review helpfull.

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[Review from Peter Vangeel](#) by [Peter Vangeel](#)

★★★★★

3 years ago I moved from Belgium to Aruba. One of my few doubts in this big adventure was the lack of a good beer, since I'm Belgian and spoiled with so many fine Belgian beers I shivered of only being able to get Dutch or American beer. But there 's a (beer)god, Aruba's own localy brewed Balashi is a very tasty, refreshing, high quality beer. Thank you (beer)god, for giving me this excellent alternative to the dishwaters like Heineken and Bud.

0 out of 0 person found this review helpfull.

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[Review from L. Logister](#) by [L. Logister](#)

★★★★★

Last February when I visited Aruba I enjoyed the carnival anniversary. In Limburg Holland most carnival minded area, beer is more or less a part of carnival celebrating people. I like to celebrate and especially carnival. And I enjoy drinking beer and especially in warmer region. So I did last February. The complete taste of Balashi beer was extraordinary. Very refreshing and not making me more thirsty as other beers do.

0 out of 0 person found this review helpfull.

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[For that perfect beach day!](#) by [Nick Fradette](#)

★★★★★

BNB 000373

Hummmmm, Balashi... If you're in Aruba you already enjoy the finest beaches, diving and dining. Just open-up a cold Balashi and start enjoying the finest beer brewed in paradise. It's apparently brewed with Aruba's desalinized water and it tastes like many European Pilsners. Not a strong body but just what it takes to sit and relax in the sun. Usually available in miniature sized cans so you really need two to get a real one (maybe the locals know where to get a regular-sized bottle?). Amazingly available within a short distance everywhere on the beach so you don't have to sweat too much.

0 out of 0 person found this review helpfull.

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PACHris55
Philadelphia, PA

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airport return with Balashi
Jun 29, 2014, 7:59 PM


We haven't been to Aruba in 2 years so I forget the best way to bring back Balashi in our checked bags. If I remember correctly, we should buy Balashi after we go through Aruban customs and before we have to pick up our checked backs to take through US customs. Please advise if I have remembered correctly. Thanks!

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Kathi_TingTing July 7, 2015

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6. Re: airport return with Balashi
Jul 02, 2015, 1:17 AM

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Removed on: 1:17 am, July 02, 2015


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- Aruba or Another Caribbean Island?
- The Divi & Tamarijn All Inclusive Resort & Spa, The Riu Palace



dmconn1
Dayton, Ohio

Level 6 Contributor

- 960 posts
- 48 reviews

5. **Re: airport return with Balashi**

Jun 30, 2014, 7:38 PM

My husband brought back 24 cans of Balashi, that he purchased prior to departure day, in a checked soft sided cooler. He has brought it back in his suitcase before but we had the 2 free checked bags through Southwest/AirTran.

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1,646 reviews

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Richard K December 13, 2015

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Arubalisa
Cumming, Georgia

Destination Expert
for Aruba, Palm - Eagle Beach

Level 6 Contributor

- 4,784 posts
- 70 reviews

4. **Re: airport return with Balashi**

Jun 30, 2014, 6:01 PM

We take home bottles of Amstel Bright. We have hard sided luggage and purchase the beer at the supermarket. My dh has perfected the technique of wrapping each bottle individually with a piece of clothing and then arranging the wrapped bottles in the middle of the suitcase among the other items. Something he could not do if we had to stuff everything in at the airport after purchasing at duty free. ;)

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Bobcat2348
Staten Island, New...

Level 6 Contributor

- 12,024 posts
- 10 reviews

3. **Re: airport return with Balashi**

Jun 30, 2014, 7:23 AM

If you pack them in your checked luggage there is no problem with anyone along the inspection/clearance line.

We do the same except it's with Amstel Bright.

Edited: 7:23 am, June 30, 2014

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PAChris55
Philadelphia, PA

Level 3 Contributor

- 49 posts
- 5 reviews

2. **Re: airport return with Balashi**

Jun 29, 2014, 8:37 PM

My wife and I love Balashi, It's nice after you are back home to at least to pretend you are back in Aruba, especially in January during a snowstorm :)

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2,535 forum posts

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Everydaysunshine
New Jersey

Destination Expert
for Aruba

Level Contributor

2,910 posts

25 reviews

1. **Re: airport return with Balashi**

Jun 29, 2014, 8:34 PM

Have to ask, Why would you want to bring that beer home?

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- [Punta Cana or Aruba?](#) 15 replies
- [Is Aruba safe?](#) 8 replies
- [MCM Tours, aruba4u.com, Players Choice, Thanks for the tip](#) 5 replies
- [Aruba weather in July](#) 4 replies

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Marriott's Aruba Ocean Club 4.5 out of 5, 888 Reviews Last reviewed Dec 16, 2015	La Cabana Beach Resort & Casino 4 out of 5, 1,107 Reviews Last reviewed Dec 12, 2015	La Maison Aruba 5 out of 5, 14 Reviews Last reviewed Oct 16, 2015
Renaissance Aruba Resort & Casino 4 out of 5, 3,277 Reviews Last reviewed Dec 16, 2015	Club Arias B&B 5 out of 5, 856 Reviews Last reviewed Dec 12, 2015	Fuego Mio Bed & Breakfast 5 out of 5, 13 Reviews Last reviewed Oct 14, 2015

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balashi beer

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Aruba forums

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nitenursing

VA

Level 4 Contributor

101 posts

6 reviews

balashi beer

Feb 12, 2009, 11:55 AM

Does anyone know how to bring balashi beer back to the states? Do you pack it in your luggage? Can you buy it in the airport and carry it on? Shipping it seems kind of expensive.

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13 reviews




"Charming B&B with a wonderful Host"

Kathi_TingTing July 7, 2015

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jlwaltham

Destination Expert for Aruba

Level 6 Contributor

6,108 posts

20 reviews


1. Re: balashi beer

Feb 12, 2009, 11:58 AM


We bought a 6 pack at the Duty Free Shop at the Aruba Airport a few years ago on the way home. We had to carry it, and you have to stick within the allowance of what they'll let you bring back to the US.

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1,646 Reviews
Palm - Eagle Beach, Aruba

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856 Reviews
Savaneta, Aruba

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Silver-Elite
New Jersey

Level 6 Contributor

335 posts

68 reviews

2. **Re: balashi beer**

Feb 12, 2009, 1:21 PM

Just got home from AUA. Yes, you can buy at airport shops, price was \$5 USD for a six-pack. Must be packed in checked luggage only. You may find it cheaper in one of the island supermarkets (Certified, KingKong, etc.) and easier to pack before arriving at airport. Not sure if possible to buy/carry-on. Suggest asking at airline desk when checking in for your flight. Remember, since you clear US Customs in Aruba, you will be searched twice.

[Report inappropriate content](#)



Waltham...

Destination Expert
for Aruba

Level 6 Contributor

6,108 posts

20 reviews

3. **Re: balashi beer**

Feb 12, 2009, 1:29 PM

Silver - did you have a direct flight? We had a direct flight and were not allowed to check any alcohol, it had to be carried on the plane.

[Report inappropriate content](#)



Silver-Elite
New Jersey

Level 6 Contributor

335 posts

68 reviews

4. **Re: balashi beer**

Feb 12, 2009, 1:52 PM

I prefer to purchase and pack in checked luggage before arriving at airport. I believe (but haven't done this in AUA) that Duty Free goods are purchased/packed/sealed and permitted to be carried on. I find that the price is lower in town compared to airport.

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Silver-Elite
New Jersey

Level 6 Contributor

335 posts

68 reviews

5. **Re: balashi beer**

Feb 12, 2009, 1:56 PM

Yes, direct flight, Continental # 1643 AUA to EWR.

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Holiday Inn Resort Aruba - Beach Resort & Casino

#16 of 24 hotels in Palm - Eagle Beach

1,646 reviews



"First visit to Aruba"

Richard K December 13, 2015

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6. **Re: balashi beer**

Feb 12, 2009, 1:58 PM

Ok, gotcha!

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jl
Waltham...

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 **Destination Expert**
for Aruba

Level **6** Contributor

 6,108 posts


 20 reviews



[PlayALindaMike](#)
Beverly Hills...

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Level **6** Contributor

 2,900 posts

7. **Re: balashi beer**

Feb 12, 2009, 2:17 PM

mmm..that was \$5USD per beer at the duty free last Sunday -- FYI




[LT32](#)
Bluegrass State

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Level **4** Contributor

 100 posts

 6 reviews

8. **Re: balashi beer**

Feb 12, 2009, 3:10 PM

If you have a direct flight you can carry it on. If you have a connection it must be in checked luggage.



9. **Re: balashi beer**

Oct 14, 2009, 9:17 PM

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Playa Linda Beach Resort 4.5 out of 5, 700 Reviews Last reviewed Dec 16, 2015	City Hotel 4 out of 5, 2 Reviews Last reviewed Dec 9, 2015	Kite-Inn 5 out of 5, 20 Reviews Last reviewed Oct 18, 2015
Aruba Blue Village 3 out of 5, 87 Reviews Last reviewed Dec 15, 2015	Solar Villa 4.5 out of 5, 55 Reviews Last reviewed Dec 7, 2015	Fuego Mio Bed & Breakfast 5 out of 5, 13 Reviews Last reviewed Oct 14, 2015
Costa Linda Beach Resort 4.5 out of 5, 391 Reviews Last reviewed Dec 14, 2015	Blue Residences 4.5 out of 5, 45 Reviews Last reviewed Dec 1, 2015	A1 Apartments Aruba 4.5 out of 5, 127 Reviews Last reviewed Sep 25, 2015
Agua Clara Eco Suites 3.5 out of 5, 6 Reviews Last reviewed Dec 14, 2015	Aruba Beach Club 4 out of 5, 230 Reviews Last reviewed Nov 30, 2015	Sebrina's Resort 3.5 out of 5, 11 Reviews Last reviewed Sep 22, 2015

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Balashi Beer

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pjcoff
Connecticut

Level 3 Contributor

30 posts
9 reviews

Balashi Beer


May 02, 2006, 10:53 AM

I was wondering if anyone knew if they import Balashi to the US? We brought some back from our honeymoon last year and I was kind of hoping to get my hands on a case.

Thanks

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twcrea
NJ

Level 6 Contributor


2,007 posts
46 reviews

1. Re: Balashi Beer

May 02, 2006, 11:37 AM


I heard on another post that soon it will be available in the [Rhode Island](#) area, but as of yet, it is not available in the states.

One destination mentioned in this post



Rhode Island
United States


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13 Reviews


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Balashi Beer sent to USA (NH)

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spdd081603
Nashua , NH

Level 2 Contributor

1 post

2 reviews


Balashi Beer sent to USA (NH)

May 05, 2007, 8:51 PM

I was wondering if anyone knows ANYWAY to have Balashi beer sent from Aruba to NH??????? I would die for a couple of Balashi.....

One destination mentioned in this post

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Aruba
Caribbean

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AlienaSotam December 15, 2015


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1,847 Reviews

Palm - Eagle Beach, Aruba

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Hotel Riu Palace Aruba

4,535 Reviews

Palm - Eagle Beach, Aruba


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shamrock0421
New Jersey

Level **6** Contributor

5,039 posts

22 reviews

1. Re: Balashi Beer sent to USA (NH)
May 06, 2007, 10:02 AM

I don't believe that's possible.

We bring a couple of six packs back with us and treasure them all summer long! ;-)

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tomsharon
2,303 forum posts

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153 Reviews

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4.5 out of 5, 53 Reviews
Last reviewed Dec 15, 2015

Divi Aruba Phoenix Beach Resort
4.5 out of 5, 1,156 Reviews
Last reviewed Dec 16, 2015

Holiday Inn Resort Aruba - Beach Resort & Casino
4 out of 5, 1,646 Reviews
Last reviewed Dec 16, 2015

Hotel Riu Palace Aruba
4 out of 5, 4,535 Reviews
Last reviewed Dec 16, 2015

Hyatt Regency Aruba Resort and Casino
4.5 out of 5, 2,197 Reviews
Last reviewed Dec 16, 2015

La Quinta Beach Resort
4.5 out of 5, 315 Reviews
Last reviewed Dec 16, 2015

Manchebo Beach Resort & Spa
4.5 out of 5, 1,847 Reviews
Last reviewed Dec 16, 2015

Marriott's Aruba Ocean Club
4.5 out of 5, 889 Reviews
Last reviewed Dec 16, 2015

Marriott's Aruba Surf Club
4 out of 5, 2,138 Reviews
Last reviewed Dec 16, 2015

Boardwalk Hotel Aruba
5 out of 5, 929 Reviews
Last reviewed Dec 15, 2015

The Mill Resort & Suites
3.5 out of 5, 618 Reviews
Last reviewed Dec 15, 2015

Sasaki Apartments
4.5 out of 5, 73 Reviews
Last reviewed Dec 15, 2015

Casa Del Mar Beach Resort
4.5 out of 5, 404 Reviews
Last reviewed Dec 13, 2015

Aruba Beach Club
4 out of 5, 230 Reviews
Last reviewed Nov 30, 2015

Modern World
5 out of 5, 3 Reviews
Last reviewed Oct 22, 2015

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BNB 000407

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Going to Aruba? I need some Balashi!


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msagowitz

Beavercreek OH

Level 2 Contributor

8 posts

1 review

Going to Aruba? I need some Balashi!

Nov 12, 2006, 12:41 PM

If anyone is going to Aruba and would like to pick up some Balashi for me, I would gladly pay you for the beer and your troubles!

Thanks!

Mike

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Fuego Mio Bed & Breakfast

#1 of 1 Santa Cruz B&B and Inns

13 reviews



"Charming B&B with a wonderful Host"

Kathi_TingTing July 7, 2015

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10. Re: Going to Aruba? I need some Balashi!

Aug 25, 2009, 8:18 PM

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Removed on: 8:18 pm, August 25, 2009

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- What Are the Top Activities in Aruba?
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- Which Romantic Restaurant?
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- Where to find local Aruban cuisine?
- Queen Beatrix International Airport Departures to the U.S.
- Where Do Locals Go to Eat?
- Beach day in Aruba from a Cruise Ship?
- One Day in Aruba from a Cruise Ship?
- Options for Cell Phones in Aruba
- Is There Shopping In Aruba?
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- The Divi & Tamarijn All Inclusive Resorts - The Riu Palace

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#16 of 24 hotels in Palm - Eagle Beach

1,646 reviews



"First visit to Aruba"

Richard K December 13, 2015

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arubbound
Neptune Beach...

Level 6 Contributor



761 posts



6 reviews

9. Re: Going to Aruba? I need some Balashi!

Nov 18, 2006, 9:36 PM

I was a flight attendant. (FA) A certain amount of alcohol was allowed as carry on and a certain amount was allowed as checked baggage.

NOW... though with the new TSA restrictions... check the tsa website or your carriers web site. Before I trained as a FA I never knew passengers were not allowed to bring their own booze on board for consumption! Bring it, ok, but don't drink it. Well, why do the ABC stores sell little airport travel sizes? hmm? Duh... must be the five dollar per drink??

Even FA's could bring their own closed containers on board...for later....for like those four days in a strange hotel.

I suggest just drink all the balashi you can and (don't drive) while you are in Aruba and then go back soon! Rolling Rock is as close as I have found to the taste. Aruba bound again..very soon... Sandi

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msagowitz
Beavercreek OH

Level 2 Contributor



8 posts



1 review

8. Re: Going to Aruba? I need some Balashi!

Nov 18, 2006, 8:05 PM

Thanks, but if you're just GUESSING, keep it to yourself.

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tango2
Bridgewater, New...

Level 6 Contributor



2,178 posts



97 reviews

7. Re: Going to Aruba? I need some Balashi!

Nov 18, 2006, 5:12 PM

Guess if you buy it in town and put in your luggage but you cannot buy it at the airport.

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Ms_Dragon
Gorham, Maine

Level 6 Contributor

6. Re: Going to Aruba? I need some Balashi!

Nov 17, 2006, 9:40 AM

We've yet to bring beer back from Aruba, but never had a problem bringing it back from [St Lucia](#) or [Jamaica](#), can't imagine the US has different rules for Aruba. Try searching the US Customs website for information.

[Priceline Hotel Bidding](#)

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shamrock0421
New Jersey

Level **6** Contributor

 5,039 posts
 22 reviews

5. Re: Going to Aruba? I need some Balashi!
Nov 17, 2006, 6:42 AM

I've brought Balashi back to the US.

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"What a Vacation Should Be"
145solo November 29, 2015

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msagowitz
Beavercreek OH

Level **2** Contributor

 8 posts
 1 review


4. Re: Going to Aruba? I need some Balashi!
Nov 16, 2006, 10:28 PM

Yeah I'd really like to know why...that's the first time I've heard that.



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ArubaAmy
Minneapolis...

 Destination Expert
for Aruba, Palm -
Eagle Beach

Level **6** Contributor

 14,265 posts
 73 reviews

3. Re: Going to Aruba? I need some Balashi!
Nov 16, 2006, 9:59 PM

Since when (and why) is beer not allowed back into the States? We (and others) have been bringing back Balashi and Polar for years now.

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2. Re: Going to Aruba? I need some Balashi!
Nov 16, 2006, 8:48 PM

BNB 000415



arubbound
Neptune Beach...

Level 6 Contributor

761 posts

6 reviews

I am going back FOR the Balashi! I will drink some for you. LOL

Sandi in [Richmond VA](#)

One destination mentioned in this post



Richmond
Virginia, United States

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tango2
Bridgewater, New...

Level 6 Contributor

2,178 posts

97 reviews

1. **Re: Going to Aruba? I need some Balashi!**

Nov 16, 2006, 5:39 PM

Not allowed to bring Balashi back to the U.S. We bought liquor and wines, but no beer is allowed.

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Tamarijn Aruba All Inclusive 4 out of 5, 2,694 Reviews Last reviewed Dec 16, 2015	Paradera Park 4.5 out of 5, 390 Reviews Last reviewed Dec 5, 2015	Aruba Millennium 2 out of 5, 11 Reviews Last reviewed Oct 31, 2015
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I need a balashi

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I need a balashi
Nov 17, 2008, 1:13 PM

Well, got back from the Riu late Thursday night.. Is it too early to book my next trip?? I'm craving an ice cold balashi and HOT sunshine!!


ross_03079
New Hampshire

Level 3 Contributor


88 posts

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13 reviews




"Charming B&B with a wonderful Host"
Kathi_TingTing July 7, 2015

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6. Re: I need a balashi
Oct 13, 2009, 5:18 AM

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Removed on: 5:18 am, October 13, 2009

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- Is There Shopping In Aruba?
- Aruba or Another Caribbean Island?
- The Divi & Tamarijn All Inclusive Resorts vs. the Riu Palace

BNB-000418



5. **Re: I need a balashi**

Nov 18, 2008, 2:52 PM

I have 3 in my frig. I brought back a six pack. Come on over, I will share.

apd200
Norfolk, Virginia

Level 6 Contributor

490 posts

8 reviews

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1,646 reviews



"First visit to Aruba"
Richard K December 13, 2015

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4. **Re: I need a balashi**

Nov 18, 2008, 1:12 PM

Two week is perfect! Unless of course it is three weeks! LOL

1632 hours until my first 2009 vintage Balshi!

PlayalindaMike
Beverly Hills...

Level 6 Contributor

2,900 posts

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3. **Re: I need a balashi**

Nov 18, 2008, 1:06 PM

I feel your pain!! It has been 2 weeks and 2 days and I can't get over it!

winecritic
St. Catharines...

Level 4 Contributor

143 posts

11 reviews

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2. **Re: I need a balashi**

Nov 17, 2008, 1:58 PM

I agree.. 7 days is just not enough.. I think the next trip I book is going to be for 10 days. You lose the day you arrive and then the day you leave is pretty much a wash too.. 7 nights is just not long enough!

ross_03079
New Hampshire

Level 3 Contributor

88 posts

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1. **Re: I need a balashi**

Nov 17, 2008, 1:56 PM

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BNB 000419



Ham_and_Bean
Harrisburg...

Level 3 Contributor

11 posts

6 reviews

Ditto that! We just got back the 13th, to cold and rainy weather, with dreams of Balashis and sunshine swirling in our heads! Would love to go back again next year...

I could have used another week.

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EXHIBIT “X”

Part 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

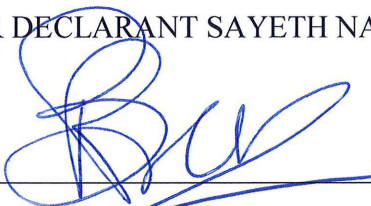
DECLARATION OF BARBARA BROWN

1. My name is Barbara Brown. I am the Chief Commercial Officer of Aruba Airport Authority N.V.. I am over 21 years of age, of sound mind and otherwise fully competent to testify to matters set forth herein, and I voluntarily make this declaration based upon my personal knowledge of the facts set forth below.

2. Attached hereto, as Exhibit A, is a letter that I issued to Brouwerij Nacional Balashi N.V. ("BNB") on January 7, 2016, confirming that Balashi beer is sold on the premises of our airport, including within areas restricted to U.S. bound passengers. I confirm that the information stated therein and the images attached thereto are true and correct, and based upon my personal knowledge.

I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct.

On this 16th day of March 2016, FURTHER DECLARANT SAYETH NAUGHT.



BARBARA BROWN

EXHIBIT A

Aruba Airport Authority N.V.

Brouwerij Nacional Balashi N.V.
Balashi 62
Aruba

Aruba, January 7, 2016

CCO/16-012

Re: Sale of Balashi and Chill beer at airport

Dear sir/madam,

As manager and operator of the Aeropuerto Internacional Reina Beatrix, the Aruba Airport Authority N.V. can hereby confirm that both Balashi and Chill beer is sold on our airport premises within various outlets. These outlets are located in either:

- The landside areas, accessible to all passengers arriving and departing from the airport and other airport users
- The restricted areas within the Main Concession Area where this is sold to passengers departing to either US or NON US destinations
- The restricted gate areas (hold room areas) located either within gate areas that serve both US and NON US Bound flights (Gate A/B and Gates 1 through 4) and also in gate areas that only serve US Bound flights (Gates 5 through 8)

In the attached lay outs you will find the lay outs of the ground floor and the 2nd floor of our terminal building in which each outlet selling Balashi and/or Chill are indicated and there are also pictures attached of the beer sold and the particular outlet in question.

Trusting to have informed you accordingly, we remain.

Sincerely

Aruba Airport Authority N.V.

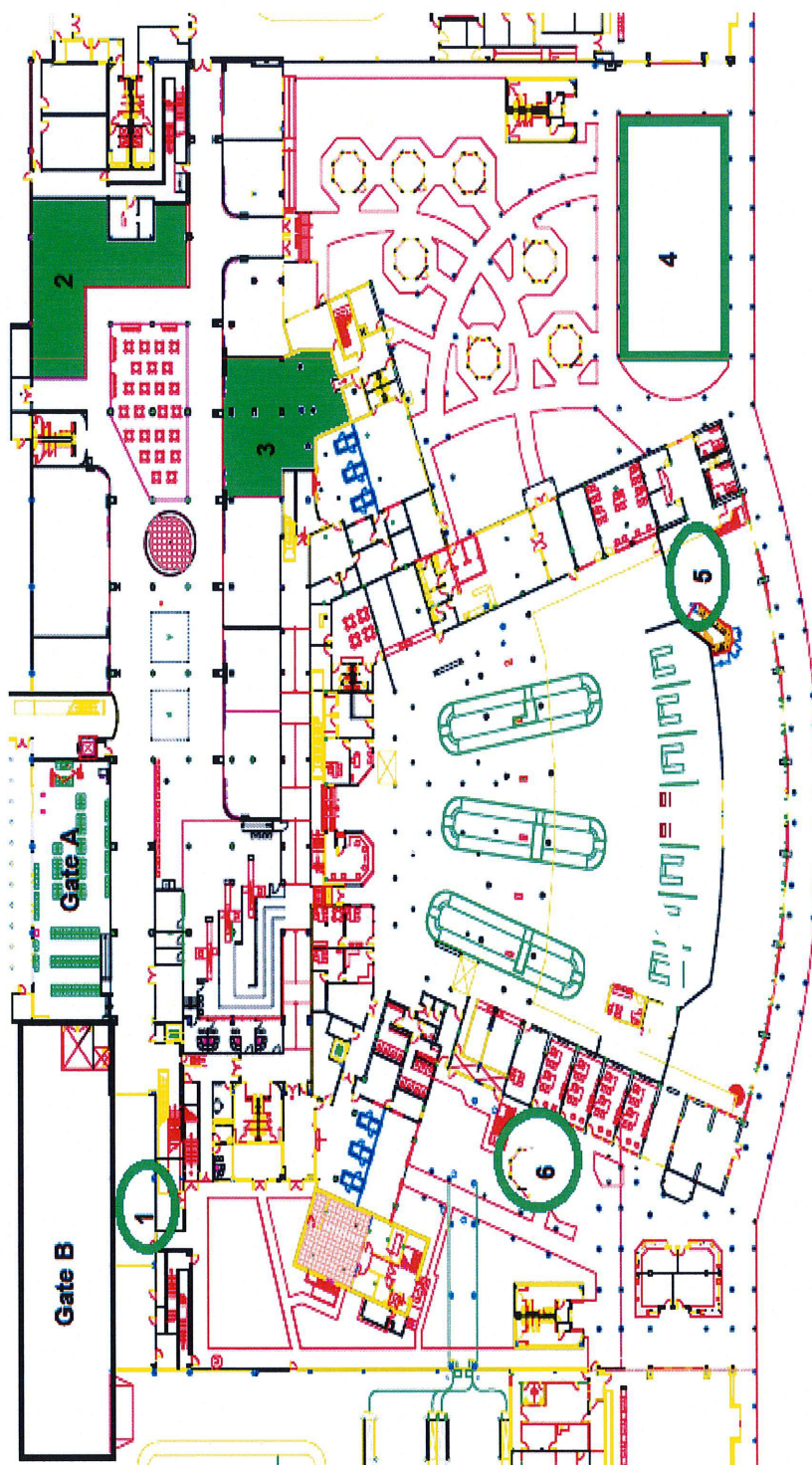


Barbara Brown

Chief Commercial Officer

AEROPUERTO INTERNACIONAL REINA BEATRIX—ARUBA—DUTCH CARIBBEAN—TEL. 297.5242424—FAX. 297.583.4229—WWW.AIRPORTARUBA.COM

Ground Floor locations:



Landside and restricted areas ground floor - outlets selling beer Balashi and/or Chill

1. Quiznos - operated by AHI N.V. - location gate A/B
2. Budweiser Bar - Sbarro's - Haya Sushi - operated by AHI N.V. - location Main Concession Area
3. Dufry L&T - operated by Dufry Aruba N.V. - location Main Concession Area
4. 14Bis Restaurant - Mini Market Get and Go - operated by AHI N.V. - location non restricted landside areas - US Bound plaza
5. Mello Bar - operated by AHI N.V. - location meet/greeter area non restricted landside
6. Abraco - operated by AHI N.V. - location non restricted landside areas - NONUS Bound plaza

1. Quiznos:



2. Budweiser Bar / Sbarro's / Haya Sushi



Opposer's Motion for Summary Judgment

EXHIBIT “Q”



U.S. Relations With Aruba

BUREAU OF WESTERN HEMISPHERE AFFAIRS

Fact Sheet

February 14, 2014

More information about Aruba is available from other Department of State publications and other sources listed at the end of this fact sheet.

U.S.-ARUBA RELATIONS

Aruba is an autonomous part of the Kingdom of the Netherlands. The Kingdom of the Netherlands is responsible for the conduct of foreign affairs, including with the United States, and its embassies and consulates issue visas for travel to the island.

Tourism is the mainstay of Aruba's economy. Approximately 1.5 million tourists per year visit Aruba, with nearly 60% of those from the United States. In 2011, the U.S. accounted for more than 8.5% of Aruba's exports and more than 47% of Aruba's imports by value.

The U.S. Consulate General in Curacao is responsible for the day-to-day management of relations with the Dutch Caribbean, which includes Aruba, Bonaire, Curacao, Saba, Sint Eustatius, and Sint Maarten. Due to the strategic location of the Dutch Caribbean for the United States, the consulate deals with issues such as securing U.S. borders, countering terrorism, and fighting international crime, especially narcotics trafficking and human trafficking. The consulate provides a variety of services to U.S. citizens; it also can issue non-immigrant visas for certain travelers to the U.S. who wish to visit, work, or study for a temporary period.

The consulate was opened in 1793. It was one of the earliest U.S. consulates, reflecting the importance of Caribbean trade to the new United States. The Consul General resides in the historic Roosevelt House, which was the local government's gift of property to the United States in 1950 as an expression of gratitude for U.S. protection during World War II.

The Consul General in Curacao is Hormazd Kanga; other principal officials are listed in the Department's [Key Officers List](#).

The Netherlands' [embassy](#) in the U.S. is at 4200 Linnean Avenue, NW, Washington, D.C. 20008; tel: 877-388-2443; fax: 202-362-3430.

More information about Aruba is available from the Department of State and other sources, some of which are listed here:

[Department of State Key Officers List](#)

[CIA World Factbook Aruba Page](#)

[U.S. Consulate General: Curacao](#)

[Human Rights Reports](#)

[Trafficking in Persons Reports](#)

[Narcotics Control Reports](#)

[Travel and Business Information](#)

BNB 001013

Opposer's Motion for Summary Judgment

EXHIBIT “R”

Annual 2013



Statistical yearbook

Statistical Yearbook

2013



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Where to order:

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CENTRAL BUREAU OF STATISTICS
ORANJESTAD, September 2014

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General Characteristics of Aruba



Location

Aruba is located at latitude 12° 30' North and longitude 70° West and lies about 32 km (19 miles) from the northern coast of Venezuela.

Aruba is 31 km (20 miles) long and 8 km (5 miles) wide, with an area of 180 km². The island is divided in 8 regions and each region is subdivided in several zones.

Population

Total end of the year population in 2013 was 106,795 while the density of the population was 593 inhabitants per km², as compared to 584 in 2012. The Aruban population is made up of a variety of nationalities.

Climate

The average and almost constant temperature is 28° C (82° F) with cooling north-east trade-wind. There are no tropical storms and hurricanes and the rainfall is very moderate.

Language

Aruba's population of over 100,000 is made up of a mixture of people who came from all over the world to this island. Dutch and Papiamentu are the official languages. English and Spanish are also widely spoken.

Religion

The majority of the people are Roman Catholic (75.7%) and 6.3% of the population are Other Christians.

Political structure

Head of State is the HM Willem Alexander, represented by a Governor. The island is governed by an executive council consisting of 9 Ministers who are appointed by the legislative council. This council consists of 21 elected members of Parliament.

Aruba also has two Ministers Plenipotentiary abroad, one representing the island in the Council of Ministers of the Kingdom in The Hague and the other one in Washington.

On January 1, 1986 Aruba obtained its 'Status Aparte' and became a separate part within the Kingdom of the Netherlands.

Currency unit

The official currency is the Aruban Florin (or AWG) which is pegged to the US Dollar at US\$ 1.00 to Afls. 1.79. The US dollar is also widely accepted on the island.

Key Indicators

	unit	2009	2010	2011	2012	2013
Demographic aspects						
Males	Absolute	48,398	48,433	49,075	49,788	50,446
Females	Absolute	53,404	53,485	54,429	55,369	56,349
Total population	Absolute	101,802	101,918	103,504	105,157	106,795
Sex ratio		90.6	90.6	90.2	89.9	89.5
Pop. per km² land	Absolute	566	566	575	584	593
Pop. 14 years and younger	%	20.2	20.7	20.1	19.6	19.1
Pop. 60 years and older	%	14.8	15.5	16.1	16.8	17.4
Average age						
Males	Year	36.1	36.0	36.4	36.8	37.1
Females	Year	38.2	38.4	38.7	39.1	39.5
Total	Year	37.2	37.3	37.6	38.0	38.3
Net Migration	Absolute	-229	-463	1,127	1,108	1,044
Macro-economic key indicators						
¹ Nominal GDP (in mln. Afls.)	Afls.	4,473	4,279	4,564	4,546	4,634
Nominal GDP per capita (in Afls.)	Afls.	44,024	42,009	44,432	43,575	43,727
¹ Real GDP (in mln. Afls.)	Afls.	3,210	3,103	3,211	3,169	3,293
Real GDP per capita (in Afls.)	Afls.	31,592	30,461	31,267	30,375	31,076
Social aspects						
Minimum loan (in Afls.)	Afls.	1,505	1,543	1,543	1,605	1,637
Persons on welfare (per jan. 31)	Absolute	1,846	1,963	2,312	2,764	2,910
Tourism						
Stay-over passengers	Absolute	812,623	824,330	868,973	903,934	979,256
Cruise Passengers	Absolute	607,038	569,424	599,893	582,313	688,568
Foreign Trade						
Total import of goods to Aruba	x 1000 Afls.	1,788,715	1,613,391	2,106,258	2,016,945	2,083,521
Total export of goods from Aruba	x 1000 Afls.	52,236	41,872	61,450	79,164	74,733
Education						
Number of students (full time)	Absolute	22,523	.	22,669	22,678	.
Current government expenditure on education	mln. Afls.	198.9	210.0	217.3	.	.

Source: CBS, Statistical Yearbooks

¹In constant 2000 prices, Central Bank Aruba

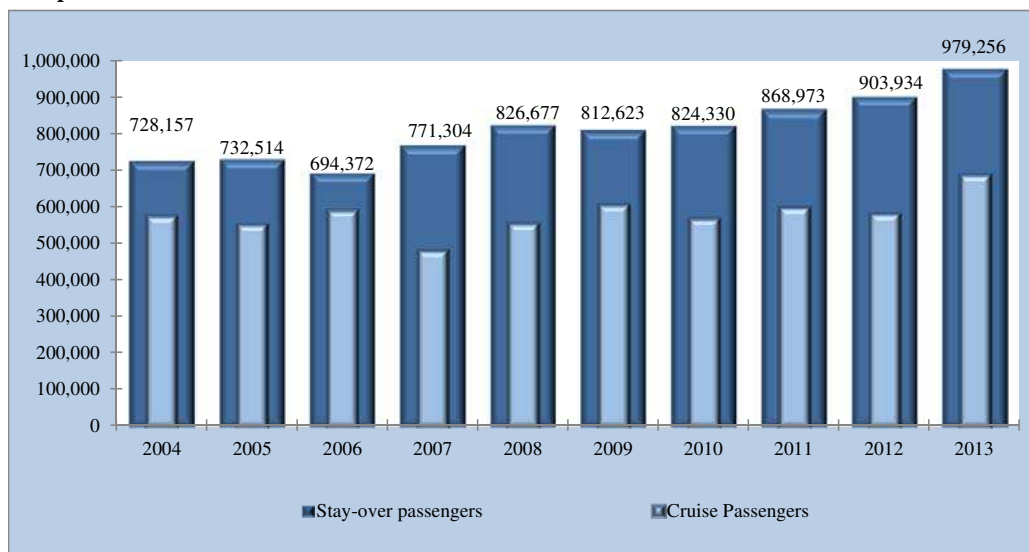
8. Tourism

1. Total number of visitors

	2009	2010	2011	2012	2013
Stay-over passengers	812,623	824,330	868,973	903,934	979,256
Cruise Passengers	607,038	569,424	599,893	582,313	688,568
Total	1,419,661	1,393,754	1,468,866	1,486,247	1,667,824

Source: Aruba Tourism Authority

Graph 8A. Total number of visitors



2. Stay-over tourism¹, by nationality

	2009	2010	2011	2012	2013
Number of persons					
Total	812,623	824,330	868,973	903,934	979,256
of which from:					
U.S.A. ²	528,223	535,753	531,130	530,950	556,290
Venezuela	105,063	90,709	117,838	143,201	188,020
Colombia	15,685	15,004	16,703	18,127	19,485
Canada	33,856	37,643	40,487	45,887	44,338
The Netherlands	41,211	40,294	40,068	39,973	37,788
Netherlands Antilles	21,536	23,363	25,773	27,361	26,682
Italy	6,369	2,869	6,514	3,963	5,008
Brazil	10,594	20,235	22,413	21,070	23,293
United Kingdom	11,512	14,530	13,870	13,712	9,315
Other	38,574	43,930	54,177	59,690	69,037
Number of nights					
Total	6,172,913	6,462,756	6,685,807	6,907,143	7,126,771
of which from:					
U.S.A. ²	3,888,865	3,951,282	3,920,034	3,914,992	4,005,785
Venezuela	612,030	670,157	772,863	903,545	1,056,837
Colombia	128,743	145,020	169,478	172,653	171,911
Canada	295,177	325,141	345,578	390,284	376,897
The Netherlands	515,662	494,037	472,198	482,881	468,814
Netherlands Antilles	113,347	119,821	125,284	139,658	125,838
Italy	52,893	25,680	56,166	34,580	39,819
Brazil	67,939	127,293	141,571	133,560	154,011
United Kingdom	145,344	183,832	162,803	161,571	108,693
Other	352,913	420,493	519,832	573,419	618,166

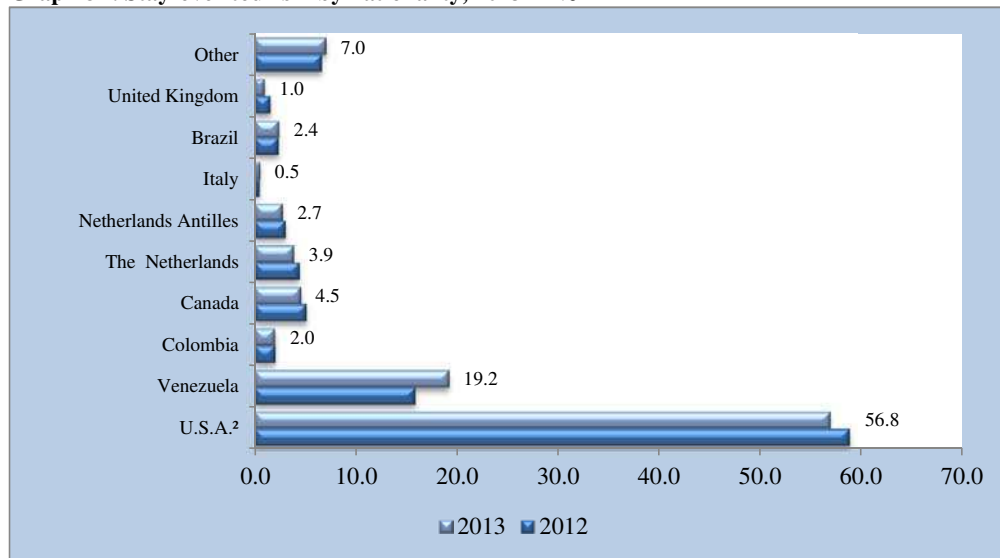
Source: Aruba Tourism Authority

² Incl. tourists from Puerto Rico

¹ Foreigners staying longer than 24 hours

BNB 000576

Graph 8B. Stay-over tourism by nationality, 2013 in %



3. Stay-over tourism by carrier¹

Carrier	2009	2010	2011	2012	2013
Aerotuy	-	-	-	2,464	10,843
Air Tran	-	1,285	28,273	51,569	59,774
Air Canada	-	425	6,972	7,235	7,258
American Airlines	123,844	120,106	106,187	86,530	75,909
Arke Fly	14,945	13,962	16,208	16,188	14,884
Aruba Airlines	-	-	-	-	18,588
Aserca	15,727	8,741	16,595	24,174	35,074
Avianca	21,410	23,105	27,045	26,535	30,816
Avior	17,456	7,575	6,550	5,858	8,704
Charters	51,107	44,667	48,389	40,791	48,730
Continental	85,158	96,801	92,873	17,968	18,919
Copa Airlines	10,833	10,665	14,070	22,756	23,765
Delta airlines	82,873	76,336	70,285	67,119	85,240
DAE	25,205	20,978	1,917	833	271
Insel Air	11,657	20,123	35,260	28,877	37,136
JetBlue	106,664	116,635	125,982	133,119	137,786
Martin Air	21,093	21,925	13,913	-	-
KLM	5,097	6,531	11,640	26,218	23,792
Laser	-	-	2,920	15,812	16,494
Private airplanes	3,937	8,741	8,825	12,790	11,893
Spirit Airlines	5,159	4,743	6,011	4,925	5,851
Surinam Airlines (SLM)	4,682	5,241	6,106	5,303	5,652
Tiara Air	21,232	25,841	29,429	38,769	59,557
US Airways	114,603	102,549	94,268	91,574	81,515
United Airways	22,954	23,770	22,076	94,819	94,013
Other	2,937	31,771	41,634	58,183	49,590
Venezolana Airlines	44,050	31,814	35,545	23,525	17,202
Total visitors	812,623	824,330	868,973	903,934	979,256

Source: Aruba Tourism Authority

¹ Foreigners staying longer than 24 hours

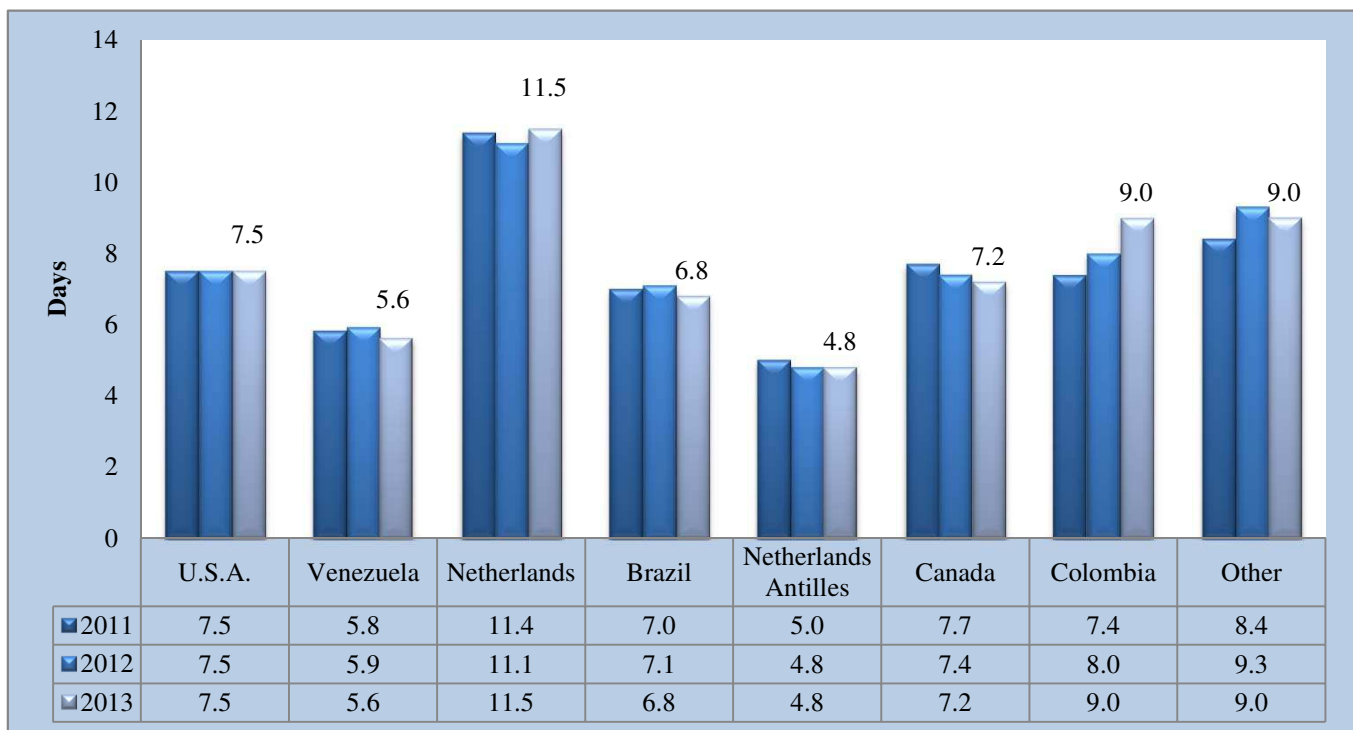
4. Average length of stay by place of residence of visitors to Aruba (in days)

Place of residence	Year Average 2009	Year Average 2010	Year Average 2011	Year Average 2012	Year Average 2013*
U.S.A.	7.6	7.5	7.5	7.5	7.5
Venezuela	5.7	5.9	5.8	5.9	5.6
Netherlands	12.8	12.5	11.4	11.1	11.5
Brazil	6.2	6.6	7.0	7.1	6.8
Netherlands Antilles	5.1	4.9	5.0	4.8	4.8
Canada	8.0	7.7	7.7	7.4	7.2
Colombia	7.8	9.0	7.4	8.0	9.0
Other	10.5	9.7	8.4	9.3	9.0
General	7.7	7.7	7.5	7.5	7.4

Source: Tourist Survey - CBS

*Provisional data

Graph. 8C. Average length of stay by place of residence of visitors to Aruba



5. Total rooms and occupancy rates

	2009	2010	2011	2012	2013*
Total hotel rooms	7,858	7,840	7,975	7,869	.
Occupancy rates	74.7%	76.8%	77.7%	79.0%	.
Average daily rate (ADR)	313.25	321.36	343.68	349.18	.
Revenue per available room (Revpar)	133.28	143.68	157.84	163.91	.
Total Room Revenue	360,886,993	382,184,677	414,465,913	433,070,563	.
Occupied room nights	2,023,885	2,043,945	2,039,162	2,088,247	.

Source: Tourist Survey - CBS

* Total not yet available

6. Number of visits to Aruba (in %)

Number of visits	2009	2010	2011	2012	2013*
First time	37.1	44.3	46.8	46.4	40.8
2 to 5 times	27.5	22.3	22.7	24.7	28.1
6 times or more	35.4	33.4	30.5	28.9	31.0
Total	100%	100%	100%	100%	100%

Source: Tourist Survey - CBS

* Provisional data

7. Type of accommodation used by the visitors (in percentages)

Type of accommodation	Year Average 2009	Year Average 2010	Year Average 2011	Year Average 2012	Year Average 2013*
Hotel	50.9	52.7	57.6	60.3	59.0
Timeshare	34.7	32.2	28.9	25.4	27.0
Guesthouse/Apartment	3.1	2.5	2.3	2.4	1.9
Friends/Relatives	10.2	11.0	10.3	11.1	11.5
Own house	0.6	0.8	0.4	0.5	0.4
Condominium	0.0	0.3	0.0	0.0	0.0
Other	0.6	0.4	0.4	0.3	0.2
Total	100%	100%	100%	100%	100%

Source: Tourist Survey - CBS

(Detailed items in this table do not necessarily add up to totals due to rounding)

* Provisional data

8. Age groups of visitors (in %)

Age groups	2009	2010	2011	2012	2013*
< 20 years	0.5	0.6	0.8	2.2	1.8
20-29 years	8.5	9.2	6.2	8.4	6.2
30-39 years	17.2	20.3	23.2	25.2	23.5
40-49 years	25.3	24.3	26.7	29.8	34.0
50-64 years	33.9	32.4	30.3	24.4	23.6
>65 years	14.5	13.2	12.7	10.1	10.9
Total	100%	100%	100%	100%	100%

Source: Tourist Survey - CBS

(Detailed items in this table do not necessarily add up to totals due to rounding)

* Provisional data

9. Travel arrangement of the visitors (in percentages)

Type of arrangement	Year Average 2009	Year Average 2010	Year Average 2011	Year Average 2012	Year Average 2013*
Pre-paid package	39.7	41.9	51.8	57.1	54.8
Own arrangement	60.3	58.1	48.2	42.9	45.2
Total	100%	100%	100%	100%	100%
Pre-paid package of which All inclusive	20.7	32.9	41.8	45.9	43.7

Source: Tourist Survey - CBS

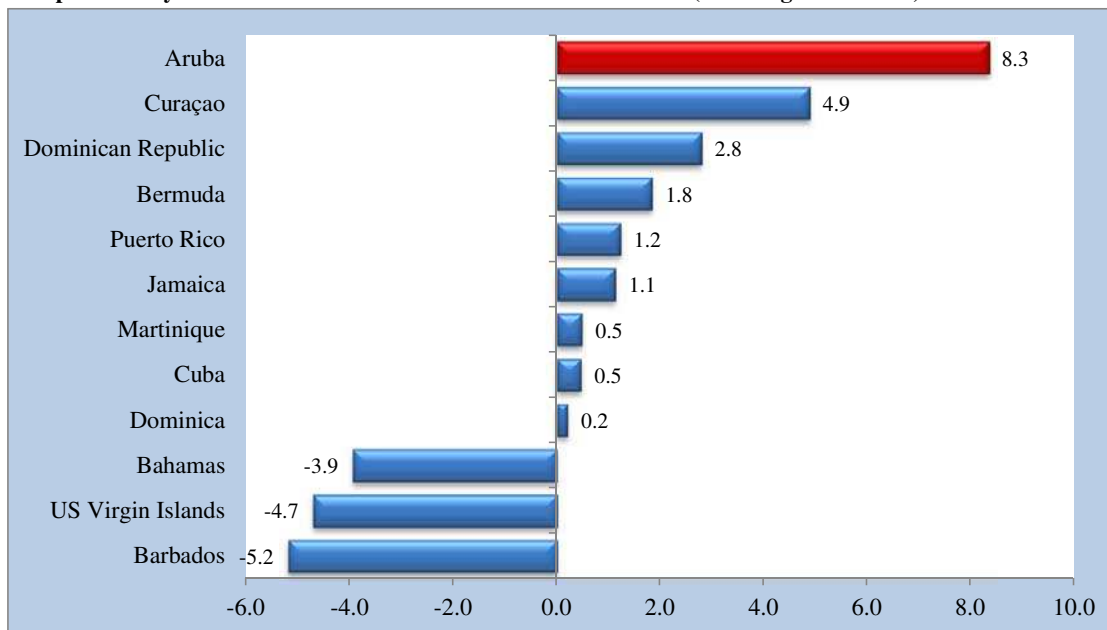
*Provisional data

10. Stay-over tourism in some countries in the Caribbean

	2009	2010	2011	2012	2013	% change 2013/2012
<u>Number of persons (x 1000)</u>						
Caribbean	18,280,080	18,852,870	19,490,912	17,596,795	18,999,626	8.0
Aruba	812.6	824.3	869.0	903.9	979.3	8.3
Curaçao	367.0	366.7	390.3	419.6	440.0	4.9
Puerto Rico	1,300.8	1,369.8	1,441.1	1,569.5	1,588.7	1.2
US Virgin Islands	666.1	691.2	679.0	737.7	703.0	-4.7
Jamaica	1,831.1	1,916.3	1,915.8	1,986.1	2,008.4	1.1
Barbados	518.6	532.2	567.7	536.3	508.5	-5.2
Bermuda	235.9	232.3	236.0	232.1	236.3	1.8
Bahamas	1,326.7	1,368.1	1,341.4	1,419.3	1,363.5	-3.9
Cuba	2,429.8	2,531.7	2,716.3	2,838.2	2,851.3	0.5
Dominican Republic	3,992.3	4,124.5	4,306.4	4,562.6	4,689.8	2.8
Martinique	443.2	476.5	492.3	487.4	489.7	0.5
Cancun (Mexico)	1,891.4	2,106.5	1,940.7	1,826.1	.	-
Dominica	74.9	75.5	75.5	78.1	78.3	0.2

Source: CTO Statistical Report, 2013

Graph 8D. Stay-over tourism in some countries in the Caribbean (% change 2013/2012)



11. Yearly household income of visitors (in percentages)

Yearly household income	Year Average 2009	Year Average 2010	Year Average 2011	Year Average 2012	Year Average 2013*
Less than Afls. 35,800	5.9	5.3	6.8	7.0	5.1
Afls. 35,801 - Afls.53,700	5.9	5.5	8.0	9.0	6.3
Afls. 53,701 - Afls. 89,500	14.7	14.3	16.2	20.3	16.6
Afls. 89,501- Afls. 134,250	27.9	30.0	25.0	21.7	25.0
Afls.134,251 - Afls.179,000	13.1	15.3	12.7	11.6	15.9
Afls. 179,001 and over	14.0	14.2	15.1	12.5	14.1
Unknown	18.5	15.4	16.2	17.9	17.0
Total	100%	100%	100%	100%	100%

Source: Tourist Survey - CBS

*Provisional data

(Detailed items in this table do not necessarily add up to totals due to rounding)

12. Average daily expenditure spent in Aruba per category¹, (in Afls.)

Categories of expenditure	Year Average 2009	Year Average 2010	Year Average 2011	Year Average 2012	Year Average 2013
Accommodation ²	37.55	30.48	17.69	18.60	.
Food & beverage	47.31	44.93	37.82	34.89	.
Groceries/sundries	8.22	7.97	6.05	5.71	.
Entertainment/recreation	18.17	13.69	15.23	14.34	.
Taxis	5.87	6.09	7.59	5.72	.
Car rental	10.70	10.47	9.24	9.44	.
Public transportation	0.47	0.38	0.39	0.35	.
Tax free shopping	3.94	3.79	4.21	4.55	.
Shopping	38.95	34.05	36.19	37.28	.
Casinos	14.98	17.08	23.06	22.41	.
Telephone/Internet	0.32	0.47	0.32	0.28	.
Other ³	3.11	1.20	0.90	0.80	.
Total	183.90	168.69	155.48	151.51	.

Source: Tourist Survey - CBS

(Detailed items in this table do not necessarily add up to totals due to rounding)

¹ The expenditures above-mentioned are expenditures, per person per day, that took place while the visitors were in Aruba, excluding thus anything spent on pre-paid package outside of Aruba

² The expenditure category "accommodation" does not include any expenses made on a pre-paid package for accommodation

³ The expenditure belonging to the category "other" also includes expenditures which were unknown or that cannot be specified anymore by the interviewed visitors

13. Average daily expenditure by place of residence¹ (in Afls.)

Place of residence	2009	2010	2011	2012	2013
USA	178.71	167.96	154.42	147.42	.
Venezuela	287.30	260.75	252.87	236.05	.
Netherlands	109.62	95.19	80.42	99.22	.
Brazil	225.93	150.31	158.74	156.97	.
Netherlands Antilles	161.89	139.62	123.06	154.33	.
Canada	107.61	93.72	98.32	91.45	.
Colombia	214.39	159.42	133.89	134.88	.
Other	117.35	127.23	125.60	112.43	.
Total visitors	183.90	168.69	155.48	151.51	.

Source: Tourist Survey - CBS

¹ The expenditures above-mentioned are expenditures, per person per day, that took place while the visitors were in Aruba, excluding thus anything spent on pre-paid package outside of Aruba

14. Estimated total tourism expenditure¹ (in 1,000 US dollars)

	2009	2010	2011	2012	2013
Quarter 1	213,485	237,830	209,220	236,710	.
Quarter 2	164,581	183,816	213,109	194,669	.
Quarter 3	189,556	207,893	203,560	206,955	.
Quarter 4	199,228	191,144	208,309	216,282	.
Total	766,849	820,683	834,199	854,616	.

Source: Tourist Survey - Central Bureau of Statistics - Aruba

¹ For further explanation on estimated total tourism expenditure refer to methodology which is available upon request at the CBS

15. Cruise tourism

	2009	2010	2011	2012	2013
Ships	327	314	332	294	353
Passengers	606,768	569,424	599,893	582,313	688,568
Crew members	254,709	235,869	249,752	233,327	277,942
Passengers per ship	1,856	1,813	1,807	1,981	1,951

Source: Aruba Tourism Authority & Cruise Tourism Authority

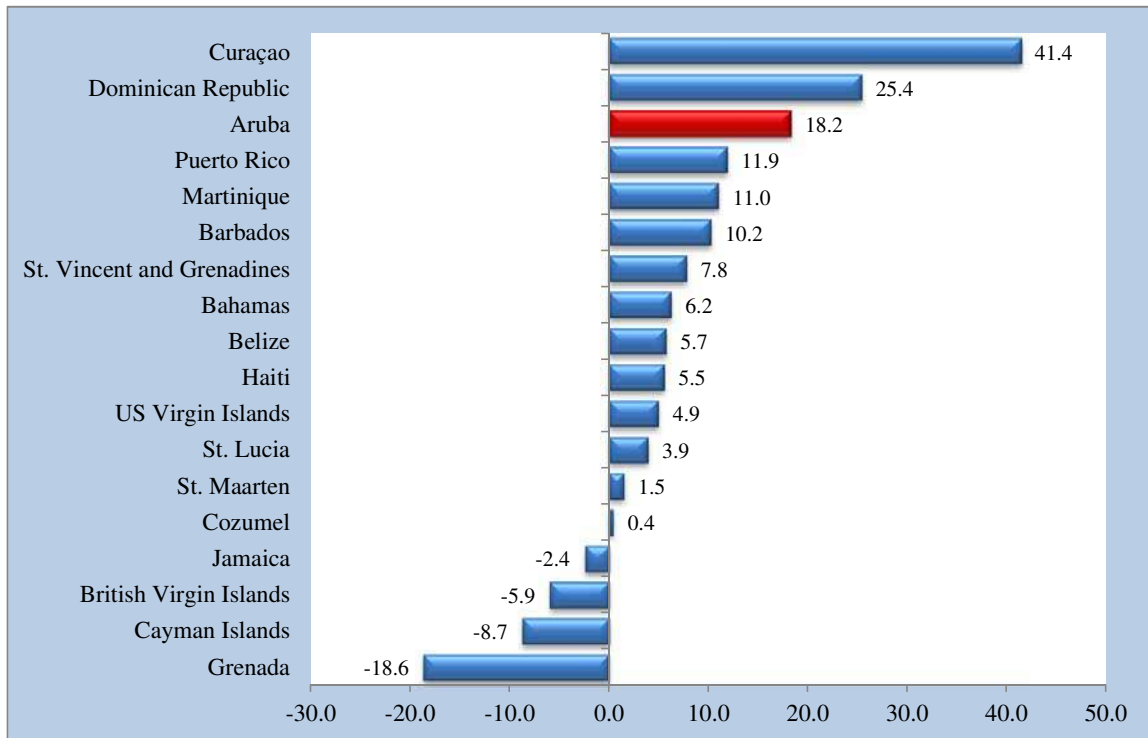
16. Cruise tourism in some countries in the Caribbean

Countries	2009	2010	2011	2012	2013*	% change 2013/2012
Caribbean	17,841.4	19,594.3	20,020.2	18,789.4	20,038.2	6.6
Aruba	607.4	569.4	599.9	582.3	688.6	18.2
Curaçao	423.1	383.0	400.9	431.6	610.2	41.4
Puerto Rico	1,179.0	1,061.7	1,124.4	1,051.7	1,176.3	11.9
US Virgin Islands	1,757.1	1,852.3	2,009.0	1,904.5	1,998.6	4.9
Jamaica	922.3	909.6	1,125.5	1,320.1	1,288.2	-2.4
Barbados	635.7	664.7	619.1	517.4	570.3	10.2
Bahamas	2,861.1	3,803.1	4,161.3	4,434.2	4,709.2	6.2
Belize	705.2	764.6	724.5	640.7	677.4	5.7
Cayman Islands	1,520.4	1,512.6	1,401.5	1,507.4	1,375.9	-8.7
Cozumel	2,221.7	2,911.2	2,871.1	2,739.7	2,751.2	0.4
Grenada	339.8	333.6	309.6	242.5	197.3	-18.6
Haiti	439.1	537.8	596.6	609.9	643.6	5.5
Martinique	69.8	74.6	41.1	93.5	103.8	11.0
British Virgin Islands	530.3	501.5	484.7	390.6	367.4	-5.9
Trinidad and Tobago	119.6	101.8	60.3	49.1	*	-
St. Vincent and Grenadines	149.5	110.8	88.9	77.0	83.0	7.8
St. Maarten	1,215.2	1,512.6	1,656.2	1,753.2	1,779.4	1.5
St. Lucia	699.3	670.0	630.3	571.9	594.1	3.9
Dominican Republic	496.7	352.5	347.9	338.2	423.9	25.4

Source: CTO Statistical Report

* Provisional data

Graph 8E. Cruise tourism in some countries in the Caribbean (% change 2013/2012)



Opposer's Motion for Summary Judgment

EXHIBIT “S”

Tourist Profile - Year Report 2012



Tourism

Tourist Profile – Year Report 2012

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CENTRAL BUREAU OF STATISTICS
ORANJESTAD, October 2013

BNB 000628

PREFACE

This report presents results of the Tourist Survey done in 2012, executed by the Central Bureau of Statistics, together with survey results of previous years. Data from other sources as Aruba Tourism Authority, (formerly) Cruise Tourism Authority, Department of Immigration at the International Airport of Aruba, Central Bank of Aruba, Caribbean Tourism Organization, etc., are also presented. Much analysis is not really necessary since the tables are self-explanatory and a few are illustrated in graphs also.

Tourism is one of the main economic activities on the island. For that reason the Central Bureau of Statistics, in cooperation with other institutions, has chosen to conduct surveys, mainly to measure fluctuations of tourist expenditures, the satisfaction levels and shifts within demographical market segments. In the System of National Accounts framework, this data is very important for estimating the impact of the Tourism Industry on the islands total economy and the necessity for such data exists for various vital purposes.

The Central Bureau of Statistics (CBS) published the results of several surveys over the years 1996 until now. Among all the Tourist Profiles, they include results of the Tourist Survey for every quarter from 1996 until the end of the year 2012. The realization of the Tourist Survey for the year 2012 was possible thanks to the cooperation and excellent work of the interview-team and the Central Bureau of Statistics Tourism department, which consist of Marleen Barendregt-Croes, Mary Geerman M.A. and Louisette Christiaans-Yarzagaray MSc. (head of the department). Special thanks goes to all other Central Bureau of Statistics staff, principally Marjolene van der Biezen-Marques B.A. and Richard Werleman for their cooperation (technical) during the work process. Most of the results of the Tourist Survey is also available on the CBS website thanks to Cheryl Feliciano MSc.

In the year 2010 the CBS introduced the EEE portable computer system which replaced the scanning process and this data-entry system. Initially these machines were to be used for the Census 2010 project but our survey was chosen as a pilot project prior to the Census 2010. Since then it was decided to switch our data collection method for a digital system. For this the software called CSPro was used, a program specially designed for the editing of databases. The technical assistant that helped the Tourism department with the set-up of this new system was Dr. Frank Eelens and for this we are eternally thankful for all this support and assistance.

Thanks also to all the data-suppliers and supporters who contributed in any other way to this publication. A word of thanks goes also to the hotels who are member of the AHATA, for their cooperation. We would appreciate your cooperation in the future! Last but not least, a word of thanks goes to the Aruba Airport Authority and the U.S. Department of Immigration and Customs for allowing our interview-team to conduct the survey in departure halls.

The Central Bureau of Statistics hopes that this Tourist Profile, Year Report 2012 will provide all the users with necessary information. For any other information that you might need or comments and further information, feel free to contact us. This publication will also be available to the general public and also on the website of the CBS (<http://www.cbs.aw>).

Drs. Martijn Balkestein
Director of the Central Bureau of Statistics Aruba

FOREWORD

In the present and former publications the CBS used the macro-economic concept “Total tourism expenditure”. This concept has been used as an indicator in former publications, but only in the last issues it is presented as an estimated macro-economic variable.

Initially, one of the monetary indicators published by the CBS was the average daily expenditure in Aruba, which is the total consumption expenditure made by a stayover visitor (during his/her stay in Aruba) or on behalf of a visitor for and during his/her trip and stay at a destination. This information is presented per quarter and also a year figure is presented at the conclusion of each year.

To get a better picture of the visitor expenditures in Aruba, the average daily expenditure is multiplied by the average length of stay of the visitors and by the number of corresponding stayover visitors. The result is an estimate of Tourism expenditures in Aruba which indicates the amount of money all visitors left behind in Aruba during their stay in Aruba in a certain year, either per quarter or per year. To bring this figure to a higher stage (a macro total), a total tourism expenditure is estimated. This total tourism expenditure is all the travel related expenditures made by stayover visitors, before, during, and immediately after a trip, which is the tourism expenditure in Aruba plus an estimated accommodation calculation **portion only** of the pre-paid packages up to now. Other components of the pre-paid package expenditures (e.g. F&B) are still not included in the estimated total tourism expenditure. The CBS is planning to calculate this remaining portion of expenditures in the future in order to reach to a complete image of all expenditures related to tourism corresponding to the total economy of Aruba.

Total tourism expenditure measures the total amount of money tourists visiting Aruba in a certain quarter spent in that quarter on tourism related goods and services. The amount of money value stayover visitors spent on tourism related goods and services should ideally be equal to goods and services sold in a certain quarter.

The total tourism expenditure is measured on an accrual basis. Accrual accounting records flows at the time economic value is created, transformed, exchanged, transferred or extinguished. This means that flows which imply a change of ownership are entered when ownership passes, services are rendered when provided, output at the time products are created and intermediate consumption when materials and supplies are being used. The System of National Accounts (SNA) favors accrual accounting because:

- (a) The timing of accrual accounting is in full agreement with the way economic activities and other flows are defined in the System. This agreement allows one, for instance, to evaluate the profitability of productive activities correctly (i.e., without the disturbing influence of leads and lags in cash flows) and to calculate a sectors net worth correctly at any point in time;
- (b) Accrual accounting can be applied to non-monetary flows

The Central Bank of Aruba, on the other hand, measures the tourism receipts. A comparative analysis shows that the concepts of tourism receipts and total tourism expenditure are not identical nor are their methodologies the same. Differences in approach and operational definitions of the two concepts leads to differences in the figures measured. It is therefore methodologically not appropriate to correlate tourism receipts and tourism expenditure with each other, without indicating the difference between these two concepts. It is strongly recommended to users to clearly distinguish tourism receipt from tourism expenditure. For supplementary information please refer to the methodology which is available upon request or online.

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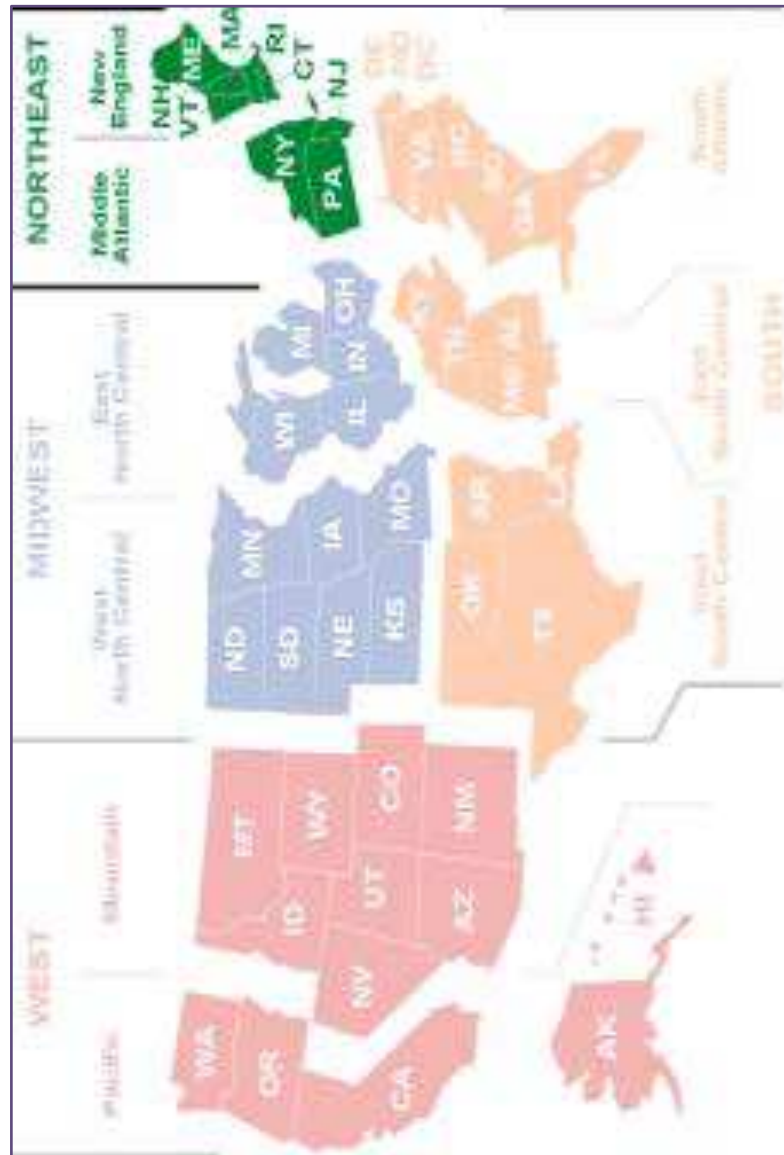
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TOURISM INDICATOR SHEET FOR 2012

	<u>2012</u>	<u>% change</u>
Stayover Visitors	903,934	4.0
Cruise Passengers	582,313	-2.9
Total number of Visitors	1,486,247	1.2
Total Visitors Nights	6,949,348	3.9
First Time Visitors (in rel. %)	46.4	-0.9
Repeat Visitors (in rel. %)	53.6	0.8
Visitors that stayed in Hotels (in rel. %)	60.3	4.7
Visitors that stayed in Timesahres (in rel. %)	25.4	-12.1
Visitors that came with a Pre-paid Package (in rel. %)	57.1	10.2
Visitors that came with an All Inclusive Package (in rel. %)	45.9	9.8
Average Daily Expenditure spent in Aruba per person (in US\$)*	84.64	-2.6
Average Expenditure spent in Aruba per person (in US\$)*	638.19	-2.0
Total Tourism Expenditure in Aruba (in US\$)*	576,877,662	1.9
Estimated Total Tourism Expenditure (in US\$)*	854,616,106	2.4
Total Tourism Receipts (in US\$)	1,399,441,340	3.5
Total Occupancy (in %)	79.0	1.7
Hotel Occupancy (in %)	78.7	5.6
Timeshare Occupancy (in %)	79.4	-3.2
Total Average Daily Rate (ADR) (in US\$)	195.07	1.6
Hotel Average Daily Rate (ADR) (in US\$)	200.54	3.7
Timeshare Average Daily Rate (ADR) (in US\$)	157.46	-12.5
Total Revenue per Available Room (Revpar) (in US\$)	91.57	3.8
Hotel Revenue per Available Room (Revpar) (in US\$)	157.83	10.0
Timeshare Revenue per Available Room (Revpar) (in US\$)	19.57	2.6
Total Occupied Rooms Nights	2,008,247	2.4
Total Room Revenues (in US\$)	241,938,862	4.5
Total Lodging Taxes (in US\$)	34,003,352	3.8
Total Casino (Gambling) Taxes (in US\$)	11,223,464	-9.2

*** Expenditure results are only relevant for Stayover visitors and excludes Cruise visitors**



Tables of Year Results

2. TOURISM IN ARUBA

2.1 NUMBER OF STAYOVER VISITORS BY PLACE OF RESIDENCE

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Total Visitors	826,677	812,623	824,330	868,973	903,934	5.4	4.0
United States	540,033	528,223	535,753	531,130	530,950	-0.9	0.0
Venezuela	112,986	105,063	90,709	117,838	143,201	29.9	21.5
Netherlands	41,874	41,211	40,294	40,068	39,973	-0.6	-0.2
Netherlands Antilles	21,992	21,536	23,363	25,773	27,361	10.3	6.2
Colombia	13,439	15,685	15,004	16,703	18,127	11.3	8.5
Brazil	8,745	10,594	20,235	22,413	21,070	10.8	-6.0
Canada	32,530	33,856	37,643	40,487	45,887	7.6	13.3
Argentina	4,195	5,486	6,365	10,326	12,865	62.2	24.6
Germany	5,125	3,357	3,568	3,493	4,054	-2.1	16.1
Rest of Europe	13,094	11,742	13,889	15,841	16,673	14.1	5.3
So - Cent. America	4,153	4,723	4,343	5,073	5,387	16.8	6.2
United Kingdom	8,971	11,512	14,530	13,870	13,712	-4.5	-1.1
Surinam	2,376	3,651	3,556	4,220	5,117	18.7	21.3
Rest of the World	17,164	15,984	15,078	21,738	19,557	44.2	-10.0

Source: Aruba Tourism Authority (ATA)

2.2 CRUISE PASSENGERS

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Number of passengers	556,090	606,768	569,424	599,973	582,313	5.4	-2.9
Number of calls	299	327	314	332	294	5.7	-11.4
Number of crew members	235,466	254,709	235,869	249,752	233,327	5.9	-6.6
Avg. no. of passengers / ship	1,860	1,856	1,813	1,807	1,981	-0.3	9.6

Source: Aruba Tourism Authority (ATA) & Cruise Tourism Authority N.V. - Aruba

2.3 TOTAL NUMBER OF VISITORS

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Total stayover visitors	826,677	812,623	824,330	868,973	903,934	5.4	4.0
Total cruise visitors	556,090	606,768	569,424	599,973	582,313	5.4	-2.9
Total number of visitors	1,382,767	1,419,391	1,393,754	1,468,946	1,486,247	5.4	1.2

Source: Aruba Tourism Authority (ATA) & Cruise Tourism Authority N.V. - Aruba

2.4 AVERAGE LENGTH OF STAY BY PLACE OF RESIDENCE OF VISITORS TO ARUBA (In days)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
United States	7.8	7.6	7.5	7.5	7.5	-0.1	0.0
Venezuela	6.2	5.7	5.9	5.9	5.9	0.3	0.0
Netherlands	13.2	12.8	12.5	11.1	11.1	-10.9	0.0
Brazil	6.5	6.2	6.6	7.1	7.1	6.5	0.0
Netherlands Antilles	5.2	5.1	4.9	4.8	4.8	-2.2	0.0
Canada	8.4	8.0	7.7	7.4	7.4	-3.0	0.0
Colombia	8.2	7.8	9.0	8.0	8.0	-10.8	0.0
Other	11.4	10.5	9.7	9.3	9.3	-4.6	0.5
Avg. length of stay	8.1	7.7	7.7	7.5	7.5	-1.8	0.0

Source: Tourist Survey - Central Bureau of Statistics - Aruba

2.5 NUMBER OF VISITOR NIGHTS BY PLACE OF RESIDENCE (* 1,000)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Total Visitor Nights	6,119.15	6,034.59	6,325.37	6,685.78	6,907.14	5.7	3.3
United States	3,970.35	3,888.87	3,951.90	3,920.1	3,915.34	-0.8	-0.1
Venezuela	655.48	612.03	670.16	772.9	903.55	15.3	16.9
Netherlands	522.52	515.66	494.04	472.2	482.88	-4.4	2.3
Netherlands Antilles	125.85	113.35	119.82	125.3	139.66	4.6	11.5
Colombia	131.00	128.74	145.02	169.5	172.65	16.9	1.9
Brazil	56.28	67.94	127.29	141.6	133.56	11.2	-5.7
Canada	280.01	295.18	325.14	345.6	390.28	6.3	12.9
Argentina	35.92	46.07	53.28	86.8	111.98	63.0	29.0
Germany	49.17	39.52	37.78	37.8	41.49	0.1	9.7
Rest of Europe	120.57	121.86	155.34	170.4	182.66	9.7	7.2
So - Cent. America	36.83	27.92	32.60	32.4	35.81	-0.6	10.5
United Kingdom	111.61	145.34	183.83	162.8	161.57	-11.4	-0.8
Surinam	23.57	32.11	29.18	36.2	39.56	9.1	9.4
Rest of the World	148.92	138.32	137.64	212.28	196.14	-6.1	-7.8

BNB 000648

Source: Aruba Tourism Authority (ATA)

2.6 AIRPORT TRAFFIC / NUMBER OF PASSENGERS TRAVELING BY AIR

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Arrived	967,710	906,644	919,281	980,544	1,020,731	6.7	4.1
Foreign Arrivals	105,511	73,106	81,721	95,418	98,753	16.8	3.5
Local Arrivals	862,199	833,538	837,560	885,126	921,978	5.7	4.2
Departed	947,387	924,282	939,359	992,501	1,034,814	5.7	4.3
In transit	58,462	88,476	125,531	115,976	65,033	-7.6	-43.9
Total Traffic	1,973,559	1,919,402	1,984,171	2,089,021	2,120,578	5.3	1.5

Source: Aruba Airport Authority N.V. (AAA) & Department of Immigration - International Airport of Aruba

2.7 AIRCRAFT LANDINGS

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Commercial landings	14,196	13,941	14,715	14,732	15,071	0.1	2.3
Non-commercial landings	4,367	4,998	4,382	4,493	5,472	2.5	21.8
Total	18,563	18,939	19,097	19,225	20,543	0.7	6.9

Source: Aruba Airport Authority N.V. (AAA) & Department of Immigration - International Airport of Aruba

2.8 STAYOVER VISITORS BY CARRIER

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Air Canada	0	0	425	6,972	7,235	1,540.5	3.8
Air Tran Air	0	0	1,258	28,273	51,569	2,147.5	82.4
Aires	777	748	294	0	0	-100.0	0.0
American Airlines	158,467	123,844	120,106	106,187	86,530	-11.6	-18.5
American Eagle	7,001	0	0	0	0	0.0	0.0
Arkefly	12,131	14,945	13,962	16,208	16,188	16.1	-0.1
Avianca	25,107	21,410	23,105	27,045	26,535	17.1	-1.9
Aserca	26,813	15,727	14,436	16,595	24,174	15.0	45.7
Avior	21,772	17,456	7,575	6,550	5,888	-13.5	-10.1
Charters	65,072	51,107	59,096	48,389	43,255	-18.1	-10.6
Continental	83,593	85,158	96,801	92,873	17,968	-4.1	-80.7
Copa Airlines	277	10,833	10,665	14,070	22,756	31.9	61.7
Cruiseship / Ferry	126	765	2,114	2,252	40	6.5	-98.2
DAE	24,862	25,205	20,978	15,914	20,544	-24.1	29.1
Delta	60,596	82,873	76,336	70,285	67,119	-7.9	-4.5
Gol			8,606	14,678	13,259	70.6	-9.7
Insel	11,527	11,657	20,123	35,260	38,877	75.2	10.3
Jet Blue	90,232	106,664	116,635	125,982	133,119	8.0	5.7
Laser	0	0	0	2,920	15,812	0.0	441.5
Private airplanes	8,853	3,937	8,741	8,825	12,790	1.0	44.9
Suriname Airways	2,730	4,682	5,241	6,106	5,303	16.5	-13.2
KLM	26,621	5,097	6,531	11,640	26,218	78.2	125.2
La Venezolana	13,755	44,050	31,814	35,545	23,525	11.7	-33.8
Martinair	7,391	21,093	21,925	13,913	0	-36.5	-100.0
Santa Barabara	6,594	628	0	0	0	0.0	0.0
Spirit Airlines	1,555	5,159	4,743	6,011	4,925	26.7	-18.1
Sunwig airlines	0	0	0	1,193	13,040		993.0
Tiara	22,984	21,232	25,841	29,429	38,769	13.9	31.7
United Airways	38,956	22,954	23,770	22,076	94,819	-7.1	329.5
US Airways	108,886	114,603	102,549	94,268	91,574	-8.1	-2.9
Varig	0	794	655	0	136	-100.0	0.0
Other	0	0	5	9,514	1,967	0.0	-79.3
Total Visitors	826,678	812,621	824,330	868,973	903,934	5.4	4.0

Source: Aruba Tourism Authority (ATA)

3. VISITOR'S PROFILE

3.1. CHARACTERISTICS OF THE VISITORS

3.1.1 AGE GROUPS OF THE VISITORS (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Under 20 yrs	0.3	0.5	0.6	0.8	2.2	33.3	175.0
20 - 29 yrs	8.1	8.5	9.2	6.2	8.4	-32.6	35.5
30 - 39 yrs	17.0	17.2	20.3	23.2	25.2	14.3	8.6
40 - 49 yrs	28.2	25.3	24.3	26.7	29.8	9.9	11.6
50 - 64 yrs	32.9	33.9	32.4	30.3	24.4	-6.5	-19.5
Over 65 yrs	13.4	14.5	13.2	12.7	10.1	-3.8	-20.5
Unknown	0.0	0.0	0.1	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.2 YEARLY HOUSEHOLD INCOME OF THE VISITORS (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Less than US\$20,000	5.3	5.9	5.3	6.8	7.0	28.3	2.9
US\$20,001 - US\$30,000	5.1	5.9	5.5	8.0	9.0	45.5	12.5
US\$30,001 - US\$50,000	15.4	14.7	14.3	16.2	20.3	13.3	25.3
US\$50,001 - US\$75,000	31.5	27.9	30.0	25.0	21.7	-16.7	-13.2
US\$75,001 - US\$100,000	16.9	13.1	15.3	12.7	11.6	-17.0	-8.7
US\$100,001 and over	13.8	14.0	14.2	15.1	12.5	6.3	-17.2
Unknown	12.0	18.5	15.4	16.2	17.9	5.2	10.5
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.3 OCCUPATION OF THE VISITORS (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Legislators, senior officials and managers	12.8	13.7	13.5	14.5	12.3	7.4	-15.2
Professionals	18.7	18.0	18.7	18.9	19.7	1.1	4.2
Technicians and associate professionals	14.6	15.8	11.7	6.5	6.9	-44.4	6.2
Clerks	7.0	6.4	4.9	7.3	6.8	49.0	-6.8
Service workers, shop & market sales workers	7.1	5.2	4.2	4.8	6.9	14.3	43.8
Not economically active (Retired)	33.1	35.4	42.3	44.1	42.6	4.3	-3.4
Skilled agricultural and fishery workers	3.0	2.9	0.2	0.2	0.1	0.0	-50.0
Craft and related trades workers	1.4	1.3	2.1	1.6	2.0	-23.8	25.0
Plant and machine operators and assemblers	1.2	0.8	0.9	0.7	1.0	-22.2	42.9
Elementary occupations	0.3	0.3	1.5	0.9	1.2	-40.0	33.3
Armed forces	0.8	0.3	0.1	0.1	0.2	0.0	100.0
Unknown	0.0	0.0	0.0	0.4	0.3	0.0	-25.0

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.4 METHOD VISITORS USED TO BOOK A TRIP (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
In person in General	18.2	17.4	19.7	26.6	29.3	35.0	10.2
By telephone in General	25.4	24.3	20.6	13.6	10.7	-34.0	-21.3
Travel Agent (In Pers/Tel.)	28.4	25.0	21.2	24.9	26.8	17.5	7.6
Tour Operator (In Pers/Tel.)	0.4	0.8	0.8	0.2	0.3	-75.0	50.0
Hotel Direct (In Pers/Tel.)	0.6	1.2	3.6	3.4	3.9	-5.6	14.7
Airline Direct (In Pers.Tel.)	13.7	14.7	16.7	12.5	10.1	-25.1	-19.2
Online in General	51.5	55.2	53.5	55.8	55.9	4.3	0.2
On-Line Tour Operator	21.0	21.9	22.2	28.0	29.5	26.1	5.4
On-Line Hotel Direct	6.9	7.7	6.7	4.0	3.5	-40.3	-12.5
On-Line Airline Direct	22.7	24.8	24.0	19.4	15.5	-19.2	-20.1
Other	5.0	7.1	7.4	8.9	11.3	20.3	27.0
Total	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.5 VISITORS THAT HAVE BEEN TO ARUBA BY CRUISE AND VISITOR THAT HAVE BEEN TO THE CARIBBEAN PRIOR TO THIS VISIT (In Percentages)

		Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
To Aruba by cruise	Yes	9.9	8.7	9.3	12.2	12.7	31.2	4.1
	No	90.1	91.3	90.6	87.8	87.3	-3.1	-0.6
Prior visit to the Caribbean	Yes	84.3	83.1	78.0	80.0	78.2	2.6	-2.3
	No	15.7	16.9	22.0	19.9	21.8	-9.5	9.5

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2. BEHAVIOR OF THE VISITORS

3.2.1 NUMBER OF VISITS TO ARUBA (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
First time	35.3	37.1	44.3	46.8	46.4	5.6	-0.9
2 to 5 times	28.2	27.5	22.3	22.7	24.7	1.8	8.8
6 times or more	36.5	35.4	33.4	30.5	28.9	-8.7	-5.2
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.2 PURPOSE OF VISIT (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Vacation	90.2	90.6	90.3	90.3	90.4	0.0	0.1
Honeymoon	3.2	2.7	2.6	2.5	2.7	-3.8	8.0
Visit friends / relatives	3.5	3.6	4.4	4.7	4.5	6.8	-4.3
Business / leisure	1.2	1.0	0.7	0.6	0.7	-14.3	16.7
Other ¹⁾	0.6	1.0	0.8	0.8	0.7	0.0	-12.5
Business only / Convention	0.3	0.3	0.6	0.5	0.5	-16.7	0.0
Wedding	0.3	0.3	0.4	0.3	0.4	-25.0	33.3
Events/Festivals	0.6	0.5	0.1	0.1	0.1	0.0	0.0
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

¹⁾ Other also include incentive and golf

3.2.3 TYPE OF ACCOMMODATION USED BY THE VISITORS (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Hotel	48.4	50.9	52.7	57.6	60.3	9.3	4.7
Timeshare	39.0	34.7	32.2	28.9	25.4	-10.2	-12.1
Guest house/Apartment	2.5	3.1	2.5	2.3	2.4	-8.0	4.3
Friends / Relatives	9.1	10.2	11.0	10.3	11.1	-6.4	7.8
Own House	0.8	0.6	0.8	0.4	0.5	-50.0	25.0
Condominium	0.1	0.0	0.3	0.0	0.0	-100.0	0.0
Other	0.3	0.6	0.4	0.4	0.3	0.0	-25.0
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.4 TRAVEL ARRANGEMENT OF THE VISITORS - ALL-INCLUSIVE PACKAGES (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Pre-paid package	39.2	39.7	41.9	51.8	57.1	23.6	10.2
Own arrangement	60.7	60.3	58.1	48.2	42.9	-17.0	-11.0
Total	100%	100%	100%	100%	100%	100%	100%
Pre-paid packages which were All-Inclusive	19.1	20.7	32.9	41.8	45.9	27.1	9.8

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.5 SINGLE MOST IMPORTANT SOURCE OF INFORMATION IN MAKING A DECISION TO VISIT ARUBA (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Friends / Relatives	29.3	28.6	40.1	37.2	41.9	-7.2	12.6
Travel agent	11.9	10.4	9.9	15.3	12.8	54.5	-16.3
Newspaper / magazine	1.2	0.6	0.4	0.5	0.0	25.0	-100.0
Television ad / Radio ad	0.3	0.0	0.1	0.2	0.0	100.0	-100.0
Tourist board	0.1	0.1	0.0	0.0	0.0	0.0	0.0
Other	1.6	1.5	1.8	1.4	1.4	-22.2	0.0
Repeat visit	46.3	48.5	35.9	30.8	29.7	-14.2	-3.6
Cruise	0.9	0.7	0.8	0.8	0.5	0.0	-37.5
Internet	7.0	8.5	10.0	12.9	12.7	29.0	-1.6
Business	1.2	1.1	1.0	0.9	1.0	-10.0	11.1
Unknown	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.6. USERS OF TIMESHARE PROPERTIES: OWNERS VS. NON-OWNERS (In Percentage of total timeshare users)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Owner	64.4	61.4	62.1	63.7	64.9	2.6	1.9
<i>Non-timeshare owner:</i>							
Non-owner: Transient (Walk-in)	4.4	5.8	3.3	3.1	3.8	-7.2	22.6
Non-owner: Exchange	13.3	15.1	11.4	14.4	9.8	26.3	-31.9
Non-owner: Other	17.1	17.5	23.2	18.8	21.6	-19.0	14.9
Unknown	0.8	0.2	0.0	0.0	0.0	0.0	0.0
Total Timeshare user	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.7 TYPE OF FLIGHT USED BY THE VISITORS (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Charter	7.9	2.7	5.0	2.3	3.3	-54.0	43.5
Scheduled	92.0	97.3	94.9	97.7	96.7	3.0	-1.0
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

* n.a. = data not available

3.2.A. CHARACTERISTICS OF THE VISITORS FROM THE U.S.A.

3.2.A.1 VISITORS FROM THE UNITED STATES BY THE MAJOR STATES (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
United States	540,033	528,223	535,753	531,130	530,950	-0.9	0.0
New York	24.3	23.3	30.5	28.5	25.9	-6.7	-9.0
New Jersey	17.1	15.6	12.3	16.5	16.7	34.3	0.8
Massachusetts	13.1	15.7	19.8	17.1	16.8	-13.7	-1.6
Pennsylvania	10.6	10.4	11.4	10.8	12.3	-5.9	14.6
Connecticut	5.5	6.8	3.7	2.7	3.0	-26.5	10.6
Ohio	1.6	1.4	2.9	1.5	1.3	-50.2	-11.6
Maryland	1.8	1.5	0.7	1.2	1.0	74.2	-16.5
Michigan	1.6	1.1	1.1	0.9	0.6	-14.3	-30.0
Illinois	3.0	3.8	2.3	4.3	4.3	88.1	1.2
Florida	2.5	3.1	3.2	2.1	2.7	-35.8	27.9
North Carolina	1.4	1.7	0.7	2.9	1.3	290.4	-55.8
New Hampshire	1.2	1.8	1.3	0.8	0.9	-38.0	11.3
Other States	16.3	14.3	10.1	10.9	13.2	7.9	21.1

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.A.2 NUMBER OF VISITS OF VISITORS FROM THE UNITED STATES TO ARUBA (In Percentages)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
First time	35.5	37.1	44.3	46.8	44.1	5.6	-5.8
2 to 5 times	28.2	27.5	22.3	22.7	24.3	1.8	7.0
6 times or more	36.5	35.4	33.4	30.5	31.6	-8.7	3.6
Total	100%	100%	100%	100%	100%		

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3. SATISFACTION OF THE VISITORS

3.3.1 AGREEMENT OR DISAGREEMENT OF THE VISITORS WITH THE FOLLOWING STATEMENTS (In %)

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Don't know
2011						
Aruba is a safe place to visit	71.3	28.4	0.0	0.0	0.0	0.3
People are friendly/hospitable	58.5	40.7	0.7	0.1	0.0	0.1
Aruba is clean	35.2	60.2	3.1	1.2	0.2	0.2
Aruba has nice beaches	77.4	22.3	0.0	0.0	0.0	0.3
Aruba has pleasant weather	60.3	38.4	1.0	0.2	0.0	0.1
Aruba has good attractions	21.1	74.0	2.3	0.1	0.0	2.5
Aruba has good nightlife	19.1	51.6	13.9	1.2	0.2	14.0
Aruba has good hotels	50.5	47.3	0.1	0.0	0.0	2.1
Aruba is expensive	11.9	45.0	27.2	14.8	0.2	0.9
2012						
Aruba is a safe place to visit	66.6	32.6	0.2	0.0	0.0	0.4
People are friendly/hospitable	49.3	49.4	1.3	0.0	0.0	0.0
Aruba is clean	21.4	70.0	6.5	1.6	0.4	0.2
Aruba has nice beaches	77.8	22.2	0.0	0.0	0.0	0.0
Aruba has pleasant weather	45.5	53.1	1.2	0.1	0.0	0.0
Aruba has good attractions	17.5	76.5	3.6	0.1	0.0	2.3
Aruba has good nightlife	12.6	58.3	8.2	0.5	0.1	20.3
Aruba has good hotels	37.2	59.7	0.3	0.0	0.0	2.8
Aruba is expensive	8.4	44.6	32.4	12.9	0.1	1.6

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.2 RATING OF SERVICE RELATED TO THE FOLLOWING:

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
<u>ACCOMMODATION</u>							
Excellent	74.7	71.9	75.0	77.6	76.7	3.5	-1.2
Good	18.8	22.7	21.2	20.3	22.1	-4.2	8.9
Average	3.3	4.2	1.8	0.8	0.6	-55.6	-25.0
Poor	0.2	0.3	0.2	1.2	0.0	500.0	-100.0
Unknown / n.a.	3.1	1.0	1.8	0.1	0.6	-94.4	500.0
Total	100%	100%	100%	100%	100%		
<u>MEALS & DRINKS</u>							
Excellent	74.0	69.6	68.6	70.9	64.4	3.4	-9.2
Good	21.3	25.9	29.5	27.4	33.6	-7.1	22.6
Average	3.4	3.7	1.6	1.5	2.0	-6.3	33.3
Poor	0.2	0.4	0.2	0.0	0.0	-100.0	0.0
Unknown / n.a.	1.3	0.4	0.2	0.1	0.0	-50.0	-100.0
Total	100%	100%	100%	100%	100%		
<u>LOCAL TRANSPORTATION</u>							
Excellent	49.2	43.1	46.6	51.8	41.4	11.2	-20.1
Good	36.8	37.3	44.1	41.7	50.9	-5.4	22.1
Average	2.6	2.3	0.9	0.5	0.7	-44.4	40.0
Poor	0.2	0.0	0.1	0.0	0.0	-100.0	0.0
Unknown / n.a.	17.5	17.3	8.2	6.0	6.9	-26.8	15.0
Total	100%	100%	100%	100%	100%		
<u>SHOPPING</u>							
Excellent	54.3	45.0	44.4	51.2	35.9	15.3	-29.9
Good	32.0	41.4	46.0	43.7	56.3	-5.0	28.8
Average	4.0	3.6	1.8	1.1	2.7	-38.9	145.5
Poor	0.2	0.1	0.1	0.0	0.1	-100.0	0.0
Unknown / n.a.	9.5	10.0	7.8	3.9	5.0	-50.0	28.2
Total	100%	100%	100%	100%	100%		
<u>ENTERTAINMENT / RECREATION</u>							
Excellent	52.8	49.9	46.5	48.6	37.3	4.5	-23.3
Good	23.9	30.7	43.6	46.6	56.5	6.9	21.2
Average	2.7	2.3	1.0	0.7	0.8	-30.0	14.3
Poor	0.2	0.2	0.2	0.0	0.0	-100.0	0.0
Unknown / n.a.	20.3	16.9	8.8	4.1	5.4	-53.4	31.7
Total	100%	100%	100%	100%	100%		
<u>QUALITY OF SERVICE</u>							
Excellent	78.6	74.7	71.7	68.8	61.9	-4.0	-10.0
Good	18.1	21.2	26.1	30.4	36.9	16.5	21.4
Average	2.3	2.8	1.6	0.7	1.0	-56.3	42.9
Poor	0.3	0.4	0.1	0.0	0.0	-100.0	0.0
Unknown / n.a.	0.8	0.9	0.4	0.1	0.2	-75.0	100.0
Total	100%	100%	100%	100%	100%		

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Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.3 RATING FROM 1 TO 10 OF OVERALL VISIT TO ARUBA:

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
5 -	0.2	0.3	0.0	0.0	0.0	0.0	0.0
6 -	0.6	0.7	0.7	0.2	0.3	-71.4	50.0
7 -	5.8	3.9	3.9	2.0	2.6	-48.7	30.0
8 -	28.6	26.2	17.1	13.3	19.4	-22.2	45.9
9 -	36.3	38.3	43.3	51.0	50.7	17.8	-0.6
10 -	28.1	30.4	34.4	33.2	27.0	-3.5	-18.7
Mean	8.85	8.92	9.06	9.14	9.01	0.9	-1.4

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.4 PLACES VISITED BY THE VISITORS WHILE IN ARUBA IN 2010 (ln %)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Visit museum	n.a.	n.a.	3.3	3.3	9.1	0.0	175.8
Visit Historical buildings	n.a.	n.a.	14.8	17.9	22.5	20.9	25.7
Visit Historical sites	n.a.	n.a.	18.8	38.7	39.5	105.9	2.1
Visit Art galleries	n.a.	n.a.	1.5	1.5	3.7	0.0	146.7
Took cultural tours	n.a.	n.a.	2.2	1.5	2.6	-31.8	73.3
Attended festival or concert	n.a.	n.a.	11.3	14.3	22.7	26.5	58.7
Visit beaches	n.a.	n.a.	95.1	95.7	96.5	0.6	0.8
Visit center of Oranjestad	n.a.	n.a.	91.4	91.7	85.5	0.3	-6.8
Visit Franse Pas	n.a.	n.a.	9.4	5.1	17.7	-45.7	247.1
Visit Restaurants outside the hotel	n.a.	n.a.	67.9	60.1	59.0	-11.5	-1.8
Saw Hotels shows	n.a.	n.a.	13.1	19.0	23.5	45.0	23.7
Made Island tour	n.a.	n.a.	46.6	61.8	62.6	32.6	1.3
Visit National park	n.a.	n.a.	38.4	36.1	37.2	-6.0	3.0
Visit North Coast	n.a.	n.a.	47.2	58.3	61.1	23.5	4.8
Architecture	n.a.	n.a.	10.0	9.1	37.0	-9.0	306.6
Visit rock formation	n.a.	n.a.	36.3	44.5	46.3	22.6	4.0
Visit San Nicolas	n.a.	n.a.	40.4	55.5	62.4	37.4	12.4
Visit shopping malls	n.a.	n.a.	86.6	92.9	89.7	7.3	-3.4
Other	n.a.	n.a.	9.1	10.6	10.6	16.5	0.0

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.5 RATING OF VALUE FOR MONEY OF THE FOLLOWING:

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
<u>ACCOMMODATION</u>							
Excellent	40.6	34.6	28.7	19.9	40.3	-30.7	102.5
Good	43.5	46.9	67.5	77.6	57.4	15.0	-26.0
Average	5.7	6.9	2.9	2.4	2.1	-17.2	-12.5
Poor	0.3	0.4	1.0	0.1	0.2	-90.0	100.0
Unknown / n.a.	9.9	11.2	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%			
<u>MEALS & DRINKS</u>							
Excellent	27.7	21.4	14.1	15.5	20.3	9.9	31.0
Good	51.9	58.9	59.1	78.4	72.7	32.7	-7.3
Average	16.7	15.7	4.1	5.7	6.7	39.0	17.5
Poor	0.6	0.6	0.5	0.5	0.3	0.0	-40.0
Unknown / n.a.	3.1	3.4	22.5	0.0	0.0	-100.0	0.0
Total	100%	100%	100%	100%	100%		
<u>LOCAL TRANSPORTATION</u>							
Excellent	28.6	23.3	14.8	23.4	22.2	58.1	-5.1
Good	48.4	53.1	43.6	73.8	75.0	69.3	1.6
Average	4.5	4.5	1.6	2.4	2.7	50.0	12.5
Poor	0.2	0.2	0.1	0.3	0.1	200.0	-66.7
Unknown / n.a.	18.3	18.9	40.0	0.0	0.0	-100.0	0.0
Total	100%	100%	100%	100%	100%		
<u>SHOPPING</u>							
Excellent	25.7	26.8	16.0	25.2	15.9	57.5	-36.9
Good	50.2	51.5	56.9	71.2	77.1	25.1	8.3
Average	13.1	9.5	3.4	3.3	6.6	-2.9	100.0
Poor	0.5	0.4	0.1	0.2	0.3	100.0	50.0
Unknown / n.a.	10.6	11.8	23.9	0.0	0.0	-100.0	0.0
Total	100%	100%	100%	100%	100%		
<u>ENTERTAINMENT / RECREATION</u>							
Excellent	14.0	11.3	17.4	26.0	17.3	49.4	-33.5
Good	41.8	46.5	46.8	71.9	79.1	53.6	10.0
Average	5.2	7.5	2.7	2.0	3.5	-25.9	75.0
Poor	0.3	0.2	0.2	0.1	0.2	-50.0	100.0
Unknown / n.a.	38.8	34.0	33.0	0.0	0.0	-100.0	0.0
Total	100%	100%	100%	100%			
<u>QUALITY OF SERVICE</u>							
Excellent	43.8	38.2	42.3	36.4	37.2	-13.9	2.2
Good	49.6	53.0	52.1	61.9	60.7	18.8	-1.9
Average	3.0	3.6	2.6	1.7	2.0	-34.6	17.6
Poor	0.3	0.3	0.0	0.1	0.1	0.0	0.0
Unknown / n.a.	3.4	5.0	2.9	0.0	0.0	-100.0	0.0
Total	100%	100%	100%	100%			

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.0. MONEY ASPECTS OF THE VISITORS

4.1 AVERAGE DAILY EXPENDITURE SPENT IN ARUBA PER CATEGORY ¹⁾ (In US\$)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Accommodation ²⁾	17.83	20.98	17.03	9.88	10.39	-42.0	5.2
Food & beverage	26.41	26.43	25.10	21.13	19.49	-15.8	-7.8
Groceries / sundries	4.20	4.59	4.45	3.38	3.19	-24.0	-5.6
Entertainment / recreation	6.09	10.15	7.65	8.51	8.01	11.2	-5.9
Taxis	3.19	3.28	3.40	4.24	3.20	24.7	-24.6
Car rental	5.76	5.98	5.85	5.16	5.27	-11.8	2.2
Public transportation	0.23	0.26	0.21	0.22	0.20	4.8	-10.0
Tax free shopping	2.55	2.20	2.12	2.35	2.54	10.8	8.2
Shopping	20.80	21.76	19.02	20.22	20.83	6.3	3.0
Casinos	8.53	8.37	9.54	12.88	12.52	35.0	-2.8
Internet/Telephone	1.11	0.18	0.26	0.18	0.16	-30.8	-12.2
Other ³⁾	1.39	1.74	0.67	0.50	0.45	-25.4	-11.0
Avg. Daily Expenditure in Aruba (In US\$)	96.70	102.74	94.24	86.86	84.64	-7.8	-2.6

Source: Tourist Survey - Central Bureau of Statistics - Aruba

Notes : (Note 1 apply to all expenditures mentioned in the tables regarding expenditures)

1) The expenditures above mentioned are expenditures that were made while the visitors were IN ARUBA, excluding anything spent on pre-paid package outside of Aruba.

2) The expenditure category "accommodation" does not include any expenses made on a pre-paid package for accommodation.

3) The expenditures belonging to the category "other" also includes expenditures which are unknown or that that could not be specified by the interviewed visitors. For this reason the amount does not represent expenditures belonging to the category "other" only.

4.2 AVERAGE DAILY EXPENDITURE BY PLACE OF RESIDENCE ¹⁾ (In US\$)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
United States	98.72	99.84	93.83	86.27	82.34	-8.1	-4.6
Venezuela	145.57	160.50	145.67	141.27	131.87	-3.0	-6.7
Netherlands	52.34	61.24	53.18	44.93	55.43	-15.5	23.4
Brazil	117.84	126.22	83.97	88.68	87.69	5.6	-1.1
Netherlands Antilles	95.70	90.44	78.00	68.75	86.22	-11.9	25.4
Canada	65.50	60.12	52.36	54.97	51.09	5.0	-7.1
Colombia	87.69	119.77	89.06	74.80	75.35	-16.0	0.7
Other	60.36	69.56	71.08	70.17	62.81	-1.3	-10.5
Total visitors	96.70	102.74	94.24	86.86	84.64	-7.8	-2.6

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.3 AVERAGE DAILY EXPENDITURE BY PURPOSE OF VISIT (In US\$) ¹⁾

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Vacation	96.01	103.12	94.96	86.36	84.80	-9.1	-1.8
Honeymoon	93.03	95.51	82.25	87.61	76.25	6.5	-13.0
Visit friends / relatives	61.66	63.75	45.46	52.85	58.72	16.3	11.1
Other	143.18	112.93	138.86	70.77	79.40	-49.0	12.2
Business & leisure	190.54	177.03	230.27	172.86	199.48	-24.9	15.4
Business Only / Convention ²⁾	251.20	203.51	202.66	131.38	190.50	-35.2	45.0
Wedding	93.33	82.41	52.81	53.93	68.01	2.1	26.1

Source: Tourist Survey - Central Bureau of Statistics - Aruba

1) Expenditures belonging to the categories Incentives and Golf are based on a very small sample and therefore has been left out.

2) The expenditure belonging to the category "Other" and "Business Only / Convention" are based on a small sample and therefore may not be very representative.

4.4 AVERAGE DAILY EXPENDITURE BY NUMBER OF VISITS TO ARUBA ¹⁾ (In US\$)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
First time	85.82	89.19	77.92	77.96	71.93	0.1	-7.7
Between 2 and 5 times	98.88	103.19	99.49	89.93	94.70	-9.6	5.3
6 Times or more	105.50	116.57	112.70	98.22	96.46	-12.8	-1.8

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.5 AVERAGE DAILY EXPENDITURE BY YEARLY HOUSEHOLD INCOME LEVEL ¹⁾ (In US\$)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Less than US\$20,000	73.50	71.50	57.33	61.04	62.73	6.5	2.8
US\$20,001 - US\$30,000	109.03	118.44	89.78	72.64	77.98	-19.1	7.4
US\$30,001 - US\$50,000	85.1	87.17	90.83	69.19	78.12	-23.8	12.9
US\$50,001 - US\$75,000	89.83	90.45	91.10	78.72	82.81	-13.6	5.2
US\$75,001 - US\$100,000	101.51	115.28	103.49	92.54	93.85	-10.6	1.4
US\$100,001 and over	128.55	134.06	118.41	122.48	111.07	-3.4	-9.3

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Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.6 HOW MANY PERSONS DOES THE EXPENDITURE COVERS

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Adults	9,430	9,501	9,165	9,102	9,076	-0.7	-0.3
Children	955	942	750	762	714	1.6	-6.3
Total	10,385	10,443	9,915	9,864	9,790	-0.5	-0.8

Source: Central Bureau of Statistics - Aruba

4.7 HOTEL RELATED STATISTICS

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
<i>Hotel :</i>							
Occupancy	73.2%	72.0%	73.5%	74.5%	78.7%	1.4	5.6
Average Daily Rate	\$187.79	\$179.21	\$180.75	\$193.37	\$200.54	7.0	3.7
Revenue per available room	\$137.46	\$129.04	\$132.77	\$143.42	\$157.83	8.0	10.0
<i>Timeshare :</i>							
Occupancy	80.3%	77.3%	80.6%	82.0%	79.4%	1.7	-3.2
Average Daily Rate	\$146.25	\$147.00	\$170.14	\$179.94	\$157.46	5.8	-12.5
Revenue per available room	\$17.50	\$16.71	\$19.02	\$19.07	\$19.57	0.3	2.6
<i>Total :</i>							
Occupied Room Nights	2,069,844	2,023,885	2,043,945	2,039,162	2,088,247	-0.2	2.4
Occupancy	76.6%	74.7%	76.8%	77.7%	79.0%	1.2	1.7
Average Daily Rate	\$182.50	\$175.00	\$179.53	\$192.00	\$195.07	6.9	1.6
Revenue per available room	\$80.91	\$74.46	\$80.27	\$88.18	\$91.57	9.9	3.8
Total Room Revenue	218,723,230	201,612,845	213,510,993	231,545,203	241,938,862	8.4	4.5

Source: Central Bureau of Statistics - Aruba

4.8 AVERAGE EXPENDITURE PER PERSON PER TRIP BY THE MAJOR MARKETS ¹⁾ (In US\$)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
United States	770.02	757.79	707.48	647.03	620.02	-8.5	-4.2
Venezuela	902.53	906.83	852.17	819.37	774.08	-3.8	-5.5
Netherlands	690.89	780.81	662.09	512.20	614.72	-22.6	20.0
Brazil	765.96	778.78	556.72	620.76	619.09	11.5	-0.3
Netherlands Antilles	497.64	456.72	382.20	343.75	412.99	-10.1	20.1
Canada	550.20	479.76	401.60	423.27	380.11	5.4	-10.2
Colombia	719.06	934.21	797.98	553.52	602.05	-30.6	8.8
Other	688.10	727.60	692.32	589.43	586.65	-14.9	-0.5
Total visitors	783.27	793.15	723.76	651.45	638.19	-10.0	-2.0

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.9 TOURISM EXPENDITURE IN ARUBA BY THE MAJOR MARKETS ¹⁾ (In 1,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
United States	415,834.05	400,279.78	379,033.57	343,654.39	329,199.73	-9.3	-4.2
Venezuela	101,973.71	95,273.75	77,299.44	96,552.45	110,848.59	24.9	14.8
Netherlands	28,930.24	32,177.96	26,678.29	20,522.91	24,572.15	-23.1	19.7
Brazil	6,698.32	8,250.37	11,265.25	13,913.09	13,044.26	23.5	-6.2
Netherlands Antilles	10,944.10	9,835.96	8,929.34	8,859.47	11,299.92	-0.8	27.5
Canada	17,898.01	16,242.67	15,117.47	17,136.89	17,442.09	13.4	1.8
Colombia	9,663.42	14,653.02	11,972.86	9,245.44	10,913.30	-22.8	18.0
Other	37,899.39	41,076.52	42,459.24	43,948.34	45,385.82	3.5	3.3
Total visitors	647,511.29	644,534.21	596,619.72	566,092.46	576,877.66	-5.1	1.9

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.10 TOURISM EXPENDITURE IN ARUBA BY YEARLY HOUSEHOLD INCOME LEVEL OF THE VISITORS ¹⁾ (In 1,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Less than US\$50,000	167,469.55	170,803.46	149,751.55	175,961.83	209,406.59	17.50	19.0
More than US\$50,000	403,744.42	354,497.74	354,988.73	299,702.73	264,209.97	-15.57	-11.8
Unknown	77,892.81	119,240.15	91,879.44	91,954.25	103,261.10	0.08	12.3
Total	649,106.78	644,541.35	596,619.72	567,618.81	576,877.66	-4.86	1.6

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.11 LODGING TAX (In 1,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Quarter 1	6,697,200	5,960,950	6,359,218	10,139,106	10,840,223	59.4	6.9
Quarter 2	5,149,924	3,310,592	5,522,346	8,903,911	8,717,877	61.2	-2.1
Quarter 3	4,573,267	2,748,603	5,353,631	7,295,531	7,538,547	36.3	3.3
Quarter 4	3,733,046	3,065,922	6,117,877	6,425,698	6,906,704	5.0	7.5
Total	20,153,438	15,086,067	23,353,073	32,764,246	34,003,352	BNB 000657	

Source: Tax collector's office

4.12 CASINO TAX (In 1,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Quarter 1	4,555,196	5,965,106	6,359,218	3,841,341	4,289,385	-39.6	11.7
Quarter 2	3,533,166	4,789,268	3,160,894	3,053,631	3,240,782	-3.4	6.1
Quarter 3	2,917,397	4,391,620	2,416,201	2,658,101	1,569,274	10.0	-41.0
Quarter 4	2,935,047	3,705,028	2,692,737	2,810,056	2,124,022	4.4	-24.4
Total	13,940,806	18,851,022	14,629,050	12,363,129	11,223,464	-15.5	-9.2

Source: Tax collector's office

4.13 TOURISM RECEIPTS (In 1,000,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Quarter 1	418.60	347.77	360.84	386.87	407.60	7.2	5.4
Quarter 2	326.65	270.17	289.39	326.70	325.08	12.9	-0.5
Quarter 3	319.44	283.85	279.55	311.90	323.46	11.6	3.7
Quarter 4	345.70	314.19	315.03	326.59	343.30	3.7	5.1
Total	1,410.39	1,215.98	1,244.80	1,352.07	1,399.44	8.6	3.5

Source: Central Bank of Aruba

4.14 ESTIMATED TOTAL TOURISM EXPENDITURE ¹⁾ (In 1,000 US dollars)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
Quarter 1	252,558.33	213,484.63	237,830.01	209,220.34	236,710.22	-12.0	13.1
Quarter 2	175,855.86	164,580.84	183,816.37	213,109.22	194,669.25	15.9	-8.7
Quarter 3	170,335.95	189,556.32	207,892.81	203,560.23	206,954.82	-2.1	1.7
Quarter 4	182,906.87	199,227.63	191,143.81	208,309.25	216,281.82	9.0	3.8
Total	781,657.01	766,849.42	820,683.00	834,199.04	854,616.11	1.6	2.4

Source: Tourist Survey - Central Bureau of Statistics - Aruba

¹⁾ For further explanation on estimated total tourism expenditure refer to methodology which is available upon request at the CBS**4.15 MARKETING EXPENSES OF THE ARUBA TOURISM AUTHORITY (A.T.A.) (In US dollars)**

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
North America	9,022,295	17,415,803	n.a.	n.a.	n.a.	n.a.	n.a.
Latin America	1,780,259	2,089,968	n.a.	n.a.	n.a.	n.a.	n.a.
Europe	1,898,449	3,581,129	n.a.	n.a.	n.a.	n.a.	n.a.
Carib/RZA	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Aruba	1,928,875	2,131,054	n.a.	n.a.	n.a.	n.a.	n.a.
Total	14,629,877	25,217,954	n.a.	n.a.	n.a.	n.a.	n.a.

Source: Aruba Tourism Authority (ATA)

5.0. MARKET SHARES IN THE CARIBBEAN

5.1 TOURIST ARRIVALS IN THE CARIBBEAN BY DESTINATION (In thousands)

	Year 2008	% share	Year 2009	% share	Year 2010	% share	Year 2011	% share	Year 2012	% share
Caribbean	19,433.8	100.0	18,626.3	100.0	19,522.9	100.0	19,504.3	100.0	20,045.4	100.0
Anguila	68.3	0.4	57.9	0.3	62.0	0.3	65.8	0.3	64.7	0.3
Antigua / Barbuda	265.8	1.4	234.4	1.3	229.9	1.2	241.3	1.2	246.9	1.2
Aruba	826.8	4.3	812.6	4.4	824.3	4.2	869.0	4.5	903.9	4.5
Bahamas	1462.4	7.5	1327.0	7.1	1,370.1	7.0	1,346.4	6.9	1,419.3	7.1
Barbados	567.7	2.9	518.6	2.8	532.2	2.7	567.7	2.9	536.3	2.7
Belize	245.0	1.3	232.2	1.2	241.9	1.2	250.3	1.3	277.1	1.4
Bermuda	263.6	1.4	235.9	1.3	232.3	1.2	236.0	1.2	232.1	1.2
Bonaire	74.3	0.4	67.0	0.4	70.5	0.4	n.a.	n.a.	n.a.	n.a.
Br. Virgin Island	345.9	1.8	308.8	1.7	330.3	1.7	337.8	1.7	351.4	1.8
Cayman Island	302.9	1.6	272.0	1.5	288.3	1.5	309.1	1.6	321.7	1.6
Cuba	2348.3	12.1	2,429.8	13.0	2,531.7	13.0	2,716.3	13.9	2,838.2	14.2
Curacao	408.9	2.1	367.0	2.0	341.7	1.8	390.3	2.0	232.1	1.2
Dominica	80.4	0.4	74.9	0.4	76.5	0.4	75.5	0.4	78.1	0.4
Dom. Republic	3979.7	20.5	3,992.3	21.4	4,124.5	21.1	4,306.4	22.1	4,562.6	22.8
Grenada	129.6	0.7	113.4	0.6	110.5	0.6	118.3	0.6	112.3	0.6
Guyana	132.8	0.7	141.1	0.8	151.9	0.8	156.9	0.8	176.6	0.9
Haiti	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Jamaica	1767.3	9.1	1,831.1	9.8	1,921.7	9.8	1,915.8	9.8	1,986.1	9.9
Martinique	481.2	2.5	443.2	2.4	476.5	2.4	496.5	2.5	487.4	2.4
Mexico (Cancun)	2165.3	11.1	1,891.4	10.2	2,106.5	10.8	1,940.7	9.9	1,826.1	n.a.
Mexico (Conzumel)	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Monserrat	7.4	0.0	6.3	0.0	6.0	0.0	5.4	0.0	7.3	0.0
Puerto Rico	1321.5	6.8	1,300.8	7.0	1,369.2	7.0	1,448.7	7.4	1,569.7	7.8
Saba	12.0	0.1	12.0	0.1	12.3	0.1	n.a.	n.a.	n.a.	n.a.
St. Eustatius	11.8	0.1	4.0	0.0	6.7	n.a.	n.a.	n.a.	n.a.	n.a.
St. Maarten	475.4	2.4	440.2	2.4	443.1	2.3	424.3	2.2	456.7	2.3
St. Kitts / Nevis	106.4	0.5	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
St. Lucia	295.8	1.5	278.5	1.5	305.9	1.6	312.4	1.6	306.8	1.5
St. Vincent and Grenadines	84.1	0.4	75.4	0.4	72.5	0.4	73.9	0.4	74.4	0.4
Suriname	89.4	0.5	150.4	0.8	204.3	1.0	220.5	1.1	240.0	1.2
Trinidad / Tobago	430.5	2.2	342.1	1.8	388.3	2.0	n.a.	n.a.	n.a.	n.a.
Turks / Caicos	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
U.S. Virgin Islands	683.3	3.5	666.1	3.6	691.2	3.5	679.0	3.5	737.7	3.7

Source: Caribbean Tourism Organization - C.T.O. (CTO Statistical Report)

n.a. = data not available

5.2 CRUISE PASSENGER ARRIVALS TO THE CARIBBEAN BY DESTINATION (In thousands)

	Year 2008	% share	Year 2009	% share	Year 2010	% share	Year 2011	% share	Year 2012	% share
Caribbean	18,186.68	100.0	18,890.90	100.0	20,071.81	100.0	20,616.70	100.0	13,686.82	100.0
Antigua / Barbuda	580.85	3.2	712.79	3.8	557.64	2.8	606.49	2.9	383.63	2.8
Aruba	556.10	3.1	606.77	3.2	569.43	2.8	599.89	2.9	373.36	2.7
Bahamas	2,861.14	15.7	3,255.78	17.2	3,809.81	19.0	4,161.27	20.2	2,668.91	19.5
Barbados	597.52	3.3	635.21	3.4	664.75	3.3	619.05	3.0	344.92	2.5
Belize	597.37	3.3	705.22	3.7	764.63	3.8	724.54	3.5	431.44	3.2
Bermuda	286.40	1.6	318.53	1.7	347.93	1.7	415.96	2.0	302.38	2.2
Bonaire	175.70	1.0	213.19	1.1	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Br. Virgin Island	571.75	3.1	530.33	2.8	501.45	2.5	484.72	2.4	272.26	2.0
Cayman Island	1,553.05	8.5	1,520.37	8.0	1,597.84	8.0	1,401.50	6.8	971.26	7.1
Curacao	352.90	1.9	423.09	2.2	383.04	1.9	400.92	1.9	292.58	2.1
Dominica	386.41	2.1	532.35	2.8	517.98	2.6	341.50	1.7	191.76	1.4
Dom. Republic	348.92	1.9	496.73	2.6	352.54	1.8	347.91	1.7	251.18	1.8
Grenada	292.70	1.6	342.85	1.8	333.29	1.7	309.57	1.5	170.39	1.2
Guadeloupe	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Haiti	n.a.	n.a.	439.06	2.3	330.64	1.6	596.56	2.9	431.49	3.2
Jamaica	1,088.90	6.0	922.35	4.9	909.62	4.5	1,125.48	5.5	850.00	6.2
Martinique	87.08	0.5	69.75	0.4	74.64	0.4	41.14	0.2	66.33	0.5
Mexico (Conzumel)	2,569.43	14.1	2,221.73	11.8	2,911.15	14.5	2,871.10	13.9	1,880.88	13.7
Puerto Rico	1,392.62	7.7	1,179.02	6.2	1,191.06	5.9	1,124.44	5.5	703.92	5.1
St. Kitts/Nevis	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
St. Lucia	619.68	3.4	699.31	3.7	670.04	3.3	630.30	3.1	383.52	2.8
St. Maarten	1,345.81	7.4	1,215.15	6.4	1,512.62	7.5	1,656.16	8.0	1071.49	7.8
St. Vincent and Grenadines	116.61	0.6	149.46	0.8	110.96	0.6	88.93	0.4	49.25	0.4
Trinidad / Tobago	48.67	0.3	119.60	0.6	101.80	0.5	60.28	0.3	290.36	2.1
U.S. Virgin Islands	1,757.07	9.7	1,582.26	8.4	1,858.95	9.3	2,008.99	9.7	1,305.51	9.5

Source: Caribbean Tourism Organization - C.T.O. (CTO Statistical Report)

n.a. = data not available

5.3 TOURIST ARRIVALS FROM THE UNITED STATES (In thousands)

	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	% change 11/10	% change 12/11
TOTAL Caribbean	8,847.7	8,602.5	9,049.2	8,873.7	7,237.7	-1.9	-18.4
Anguilla	40.2	34.1	38.9	42.8	41.8	10.2	-2.4
Antigua and Barbuda	84.0	82.1	81.5	84.8	93.2	4.1	9.9
Dominica	20.5	18.2	19.3	17.8	19.0	-7.5	6.5
Grenada	21.5	21.1	20.0	35.9	25.2	79.1	-29.8
Montserrat	1.9	1.6	1.1	1.5	2.0	34.6	28.0
St. Lucia	108.6	98.7	129.1	122.4	115.1	-5.2	-6.0
St. Vincent and Grenadines	24.0	20.2	21.6	21.2	21.5	-1.8	1.4
Bahamas	1176.7	1068.7	1095.3	1054.7	1,119.3	-3.7	6.1
Barbados	131.0	122.3	135.0	142.4	130.8	5.5	-8.2
Belize	147.7	139.6	145.1	156.3	176.6	7.7	13.0
Bermuda	207.8	172.7	166.0	172.9	168.2	4.1	-2.7
Cayman Islands	240.5	215.0	228.5	242.9	253.2	6.3	4.2
Guyana	67.9	76.2	82.2	83.3	96.8	1.3	16.3
Jamaica	1150.9	1172.8	1242.9	1225.6	1257.7	-1.4	2.6
Aruba	539.5	528.2	535.8	531.1	531.0	-0.9	0.0
Curacao	35.0	36.0	48.7	62.4	61.5	28.2	-1.4
St. Maarten	218.1	240.4	236.4	219.2	238.5	-7.3	8.8
Puerto Rico	1184.0	1173.2	1231.7	1302.7	1421.9	5.8	9.2
US Virgin Islands	672.9	724.9	696.9	616.2	n.a.	-11.6	n.a.
Cancun (Mexico)	1679.8	1503.2	1661.8	1443.7	n.a.	-13.1	n.a.
Dominican Republic	1092.2	1148.5	1226.4	1286.2	1,456.6	4.9	13.3
Suriname	3.0	5.0	5.1	7.8	8.0	51.3	2.9

Source: Caribbean Tourism Organization - C.T.O. (CTO Statistical Report)

n.a. = data not available

Tables of Quarterly Results for 2011 & 2012

2. TOURISM IN ARUBA

2.1 NUMBER OF STAYOVER VISITORS BY PLACE OF RESIDENCE

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Total Visitors	220,095	212,490	223,767	212,621	224,650	216,691	233,681	228,912
United States	145,572	139,313	123,708	122,537	144,409	137,579	125,310	123,652
Venezuela	17,497	24,199	41,975	34,167	22,713	28,332	47,776	44,380
Netherlands	9,896	9,403	10,527	10,242	10,405	9,264	10,659	9,645
Netherlands Antilles	4,621	6,177	8,087	6,888	5,162	7,747	7,206	7,246
Colombia	3,098	5,048	3,820	4,737	3,379	4,520	4,259	5,969
Brazil	5,800	4,265	6,388	5,960	5,415	4,124	6,014	5,517
Canada	18,101	6,994	5,103	10,289	17,500	7,783	7,505	13,099
Argentina	2,543	1,788	3,263	2,732	3,426	2,751	3,783	2,905
Germany	660	895	935	1,003	980	923	1,117	1,034
Rest of Europe	5,267	2,565	2,817	5,192	5,319	2,345	2,943	6,066
So - Cent. America	968	1,611	1,123	1,371	999	1,215	1,463	1,710
United Kingdom	639	4,391	6,949	1,891	534	4,447	6,917	1,814
Surinam	650	1,037	1,522	1,011	771	1,470	1,565	1,311
Rest of the World	4,783	4,804	7,550	4,601	3,638	4,191	7,164	4,564

Source: Aruba Tourism Authority (ATA)

2.2 CRUISE PASSENGERS

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Number of passengers	297,923	79,934	15,102	207,014	273,779	86,422	31,195	190,917
Number of calls	160	50	14	108	137	39	16	102
Number of crew members	124,062	34,604	6,940	84,146	109,069	33,727	11,426	79,105
Avg. no. of passengers/ship	1,862	1,599	1,079	1,917	1,998	2,216	1,950	1,872

Source: Aruba Tourism Authority (ATA) & Cruise Tourism Authority N.V. - Aruba

2.3 TOTAL NUMBER OF VISITORS

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Total stayover visitors	220,095	212,490	223,767	212,621	224,650	216,691	233,681	228,912
Total cruise visitors	297,923	79,934	15,102	207,014	273,779	86,422	31,195	190,917
Total number of visitors	518,018	292,424	238,869	419,635	498,429	303,113	264,876	419,829

Source: Aruba Tourism Authority (ATA) & Cruise Tourism Authority N.V. - Aruba

2.4 AVERAGE LENGTH OF STAY BY PLACE OF RESIDENCE OF VISITORS TO ARUBA (In days)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
United States	7.5	7.4	7.6	7.5	7.8	7.6	7.3	7.4
Venezuela	5.9	5.6	6.1	5.6	6.0	5.7	6.3	5.4
Netherlands	9.8	13.3	11.8	10.8	11.0	11.1	11.8	10.5
Brazil	6.4	8.2	6.6	6.9	7.3	6.8	7.2	6.8
Netherlands Antilles	5.5	4.7	5.6	4.3	5.2	4.5	5.0	4.6
Canada	7.9	7.2	7.7	7.7	7.7	7.3	7.6	7.0
Colombia	7.0	7.9	6.3	8.2	8.3	7.5	9.2	7.4
Other	9.7	9.4	8.6	8.0	10.1	8.5	9.1	9.9
Avg. length of stay	7.6	7.6	7.5	7.3	7.9	7.5	7.5	7.3

Source: Tourist Survey - Central Bureau of Statistics - Aruba

2.5 NUMBER OF VISITOR NIGHTS BY PLACE OF RESIDENCE (* 1,000)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Total Visitors	1,777.46	1,532.32	1,712.29	1,657.76	1,802.60	1,552.36	1,804.37	1,747.81
United States	1148.76	959.50	888.70	923.17	1128.21	956.91	905.06	925.15
Venezuela	111.29	148.20	295.95	217.43	147.06	154.78	334.86	266.85
Netherlands	120.35	107.36	125.32	119.17	123.90	109.67	132.23	117.09
Netherlands Antilles	20.91	28.96	41.94	33.48	24.43	37.50	40.50	37.23
Colombia	31.31	43.46	36.44	58.26	32.72	41.80	36.83	61.30
Brazil	35.75	25.99	40.54	39.28	33.33	25.90	38.71	35.62
Canada	157.81	54.19	41.66	91.91	153.72	60.43	63.24	112.90
Argentina	22.68	14.75	27.71	21.67	28.94	23.59	34.20	25.26
Germany	6.58	9.34	10.34	11.57	9.33	9.40	12.39	10.36
Rest of Europe	60.08	25.35	28.72	56.22	62.27	22.83	29.36	68.21
So - Cent. America	5.28	10.08	7.88	9.18	6.28	7.95	9.83	11.76
United Kingdom	5.54	50.99	84.74	21.54	5.28	52.22	84.32	19.75
Surinam	5.95	8.52	13.12	8.60	6.36	9.91	13.56	9.73
Rest of the World	45.18	45.64	69.23	46.28	40.79	39.47	69.30	46.59

Source: Aruba Tourism Authority (ATA)

2.6 AIRPORT TRAFFIC / NUMBER OF PASSENGERS TRAVELING BY AIR

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011		Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Arrived	243,994	236,930	258,665	240,955	#	251,771	244,272	265,218	259,470
Foreign Arrivals	224,028	213,087	230,363	217,648		231,655	220,662	235,681	233,980
Local Arrivals	19,966	23,843	28,302	23,307		20,116	23,610	29,537	25,490
Departed	251,768	242,967	267,285	230,481		259,460	249,600	276,063	249,691
In transit	30,983	29,735	33,854	21,404		16,463	15,060	16,325	17,185
Total Traffic	526,745	509,632	559,804	492,840		527,694	508,932	557,606	526,346

Source: Aruba Airport Authority N.V. (AAA) & Department of Immigration - International Airport of Aruba

2.7 AIRCRAFT LANDINGS

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011		Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Commercial landings	3,788	3,841	3,767	3,336		3,774	3,698	3,802	3,797
Non-commercial landings	1,114	934	1,221	1,224		1,253	1,267	1,481	1,471
Total	4,902	4,775	4,988	4,560		5,027	4,965	5,283	5,268

Source: Aruba Airport Authority N.V. (AAA) & Department of Immigration - International Airport of Aruba

2.8 STAYOVER VISITORS BY CARRIER

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011		Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
American Airlines	30,441	26,866	26,150	22,730		20,898	23,999	22,316	19,317
Avianca	5,586	6,719	7,540	7,200		5,072	5,939	7,584	7,940
KLM	1,954	1,703	2,739	5,244		6,626	5,893	7,191	6,508
Private	1,580	1,603	2,705	2,937		2,964	2,758	3,242	3,826
Suriname Airways	1,246	1,360	1,851	1,649		1,104	1,321	1,510	1,368
Aserca	2,835	4,055	5,643	4,062		3,480	5,314	7,885	7,495
Charter	11,798	8,961	10,436	12,101		11,412	7,635	12,864	11,344
Continental	25,511	24,288	22,193	20,881		17,965	0	0	0
Delta Airline	17,831	19,623	16,321	16,510		17,243	16,376	15,369	18,131
Us Airways	28,131	24,168	19,914	22,055		25,681	25,401	20,156	20,336
United Airlines	9,075	6,317	3,096	3,588		17,154	28,691	25,576	23,398
Avior	990	1,159	2,324	2,077		779	1,519	1,683	1,907
Varig	0	0	0	0		0	0	136	0
Arkeflight	3,265	4,309	4,171	4,463		4,500	3,894	3,875	3,919
Dutch Antilles Express	340	602	537	438		119	262	180	272
Dutch Caribbean Express	3,623	3,489	4,282	2,603		3,249	4,643	6,551	5,268
Insel Air	5,664	7,621	10,844	11,131		7,868	9,671	11,071	10,267
Jet Blue	30,688	29,239	33,047	33,008		36,197	30,697	33,293	32,932
Martin Air	5,420	2,567	4,218	1,708		0	0	0	0
Tiara Air	5,526	6,014	11,507	6,382		6,521	7,687	11,205	13,356
Copa Airline	2,845	3,524	3,576	4,125		4,801	4,988	6,688	6,279
Spirit Airlines	1,268	1,537	1,679	1,527		977	1,290	1,301	1,357
Venezolana Airlines	5,045	6,704	14,791	9,005		3,689	4,528	8,194	7,114
Gol Transportes Aereos	3,079	3,536	4,064	3,999		3,171	3,329	3,763	2,996
Air Canada	2,786	1,299	1,300	1,587		2,697	1,360	1,406	1,772
Air Tran Airways	7,193	8,262	5,776	7,042		13,585	13,094	11,864	13,026
Other	3,897	6,073	3,059	5,100		6,872	6,401	8,770	8,779
Total	218,123	212,805	223,763	213,693		224,650	216,691	233,681	228,912

Source: Aruba Airport Authority N.V. (AAA) & Department of Immigration - International Airport of Aruba

3. VISITOR'S PROFILE

3.1. CHARACTERISTICS OF THE VISITORS

3.1.1 AGE GROUPS OF THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Under 20 yrs	0.6	0.9	1.3	0.4	0.5	2.4	3.6	2.4
20 - 29 yrs	5.5	6.9	6.4	6.1	6.6	10.8	9.1	6.9
30 - 39 yrs	19.4	23.4	23.1	27.1	23.7	25.3	26.3	25.4
40 - 49 yrs	28.7	25.2	26.2	26.6	27.7	25.9	30.7	34.7
50 - 64 yrs	35.5	26.9	29.8	29.1	29.0	24.3	22.8	21.5
Over 65 yrs	10.2	16.7	13.2	10.6	12.4	11.2	7.5	9.1
Unknown	0.1	0.0	0.0	0.1	0.1	0.1	0	0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.2 YEARLY HOUSEHOLD INCOME OF THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Less than US\$20,000	4.8	5.9	8.2	8.2	5.3	5.9	9.2	7.5
US\$20,001 - US\$30,000	4.9	8.4	11.9	6.8	6.9	7.6	12.8	8.7
US\$30,001 - US\$50,000	13.9	14.9	17.1	18.5	20.4	20.1	21.6	19.0
US\$50,001 - US\$75,000	28.6	22.9	24.0	23.8	26.0	21.2	18.3	21.4
US\$75,001 - US\$100,000	16.9	14.3	10.0	9.4	11.0	9.2	12.8	13.4
US\$100,001 and over	15.4	15.8	13.8	15.1	14.2	14.8	9.5	11.4
	15.6	17.9	14.9	18.3	16.1	21.2	15.8	18.6
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.3 OCCUPATION OF THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Legislators, senior officials and managers	15.9	13.7	12.9	15.6	13.3	11.3	11.2	13.2
Professionals	19.6	14.9	20.4	20.7	17.4	18.1	22.0	21.4
Technicians and associate professionals	7.7	6.8	5.5	6.0	7.3	6.6	6.7	6.9
Clerks	7.6	7.5	6.7	7.5	6.7	7.3	5.8	7.4
Service workers, shop & market sales workers	4.2	4.8	4.1	6.0	6.5	7.6	6.8	6.8
Not economically active (Retired)	41.1	49.4	45.9	39.8	44.1	44.2	42.4	39.8
Skilled agricultural and fishery workers	1.4	0.1	0.2	0.4	0.0	0.4	0.1	0.0
Craft and related trades workers	0.8	1.3	2.4	1.3	2.0	2.1	2.4	1.7
Plant and machine operators and assemblers	0.6	0.6	0.5	0.7	1.1	0.7	1.0	1.2
Elementary occupations	0.5	0.6	0.8	1.6	1.2	1.3	1.0	1.2
Armed forces	0.2	0.2	0.1	0.0	0.1	0.1	0.3	0.0
Unknown	0.5	0.0	0.5	0.4	0.3	0.1	0.4	0.4

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.4 METHOD VISITORS USED TO BOOK A TRIP (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
In person in General	22.8	24.3	31.3	27.9	27.4	26.5	36.1	27.2
By telephone in General	14.2	11.7	14.1	14.4	9.6	11.4	9.0	12.7
Travel Agent (In Pers/Tel.)	22.4	22.1	28.7	26.4	69.8	71.1	68.3	75.4
Tour Operator (In Pers/Tel.)	0.4	0.4	0.1	0.0	1.8	0.5	0.2	0.7
Hotel Direct (In Pers/Tel.)	2.9	3.6	5.6	1.6	12.2	11.2	10.1	8.0
Airline Direct (In Pers.Tel.)	12.1	10.1	13.4	14.6	25.9	27.2	30.2	30.2
Online in General	59.5	58.9	52.3	52.4	54.7	57.3	51.7	48.0
On-Line Tour Operator	31.9	31.6	24.8	23.9	45.3	42.7	48.3	52.0
On-Line Hotel Direct	5.3	3.6	3.6	3.3	6.3	6.0	8.5	4.2
On-Line Airline Direct	21.0	20.5	18.9	17.0	28.8	27.0	28.0	27.9
Other	7.4	7.6	9.1	11.7	8.3	4.8	3.2	12.1

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.1.5 VISITORS THAT HAVE BEEN TO ARUBA BY CRUISE AND VISITOR THAT HAVE BEEN TO THE CARIBBEAN PRIOR TO THIS VISIT (In Percentages)

		Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
To Aruba by cruise	Yes	13.4	14.8	10.7	9.7	13.2	13.7	13.3	10.6
	No	86.6	85.2	89.3	90.3	86.8	86.3	86.7	89.4
Prior visit to the Caribbean	Yes	78.4	79.2	80.4	82.2	80.9	79.6	76.7	75.5
	No	21.6	20.8	19.6	17.8	19.1	20.4	23.3	24.5

Source: Tourist Survey - Central Bureau of Statistics - Aruba

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3.2. BEHAVIOR OF THE VISITORS

3.2.1 NUMBER OF VISITS TO ARUBA (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
First time	47.6	49.9	42.5	47.3	49.0	44.1	45.2	47.2
2 to 5 times	20.7	18.8	24.6	26.6	22.1	25.2	24.2	27.3
6 times or more	31.6	31.3	32.9	26.1	28.9	30.6	30.6	25.5
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.2 PURPOSE OF VISIT (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Vacation	91.0	90.2	90.0	89.9	92.7	89.6	89.9	89.4
Honeymoon	2.4	2.5	2.8	2.3	2.0	3.2	2.7	2.9
Visit friends / relatives	4.0	5.1	4.5	5.2	2.9	4.7	5.3	5.1
Business / leisure	0.9	0.5	0.6	0.5	0.4	0.9	0.8	0.8
Other ¹⁾	1.0	0.9	0.9	0.9	1.1	0.5	0.8	0.7
Business only / Convention	0.4	0.4	0.4	0.8	0.6	0.6	0.4	0.4
Wedding	0.2	0.4	0.4	0.4	0.1	0.4	0.3	0.6
Events/Festivals	0.1	0.0	0.4	0.0	0.1	0.0	0.0	0.0
Get Married	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.1
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

¹⁾ Other also include incentive and golf

3.2.3 TYPE OF ACCOMMODATION USED BY THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Hotel	58.8	56.0	57.0	58.3	59.7	60.4	59.3	62.1
Timeshare	28.3	31.3	29.5	26.5	27.7	27.2	23.0	23.5
Guest house/Apartment	2.1	2.0	2.8	2.2	2.6	2.3	3.2	1.7
Friends / Relatives	10.0	9.6	9.5	12.1	9.3	9.5	13.6	12.0
Own House	0.4	0.6	0.9	0.6	0.7	0.4	0.5	0.4
Other	0.5	0.4	0.4	0.3	0.2	0.4	0.4	0.4
Condominium	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.4 TRAVEL ARRANGEMENT OF THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Pre-paid package	52.9	52.3	50.4	51.5	56.9	56.9	56.2	58.3
Own arrangement	47.1	47.7	49.6	48.5	43.1	43.1	43.8	41.7
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.5 SINGLE MOST IMPORTANT SOURCE OF INFORMATION IN MAKING A DECISION TO VISIT ARUBA (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Friends / Relatives	35.8	42.3	37.6	33.1	38.7	39.5	43.6	45.8
Travel agent	13.8	11.5	16.1	19.9	14.7	12.8	11.3	12.3
Newspaper / magazine	1.3	0.0	0.4	0.4	0.0	0.1	0.1	0.0
Television ad / Radio ad	0.3	0.1	0.3	0.0	0.0	0.0	0.1	0.0
Tourist board	0.1	0.0	0.0	0.0	0.0	0.0	0.2	0.0
Other	1.0	1.6	1.6	1.6	1.2	2.0	1.3	1.4
Repeat visit	31.3	30.5	32.2	29.3	31.2	30.8	31.1	25.7
Cruise	1.9	0.4	0.4	0.4	0.2	0.4	0.2	0.5
Internet	13.8	12.4	10.9	14.4	13.3	13.2	11.1	12.7
Business	0.8	1.2	0.6	0.9	0.7	1.2	1.0	1.0
Unknown	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.6. USERS OF TIMESHARE PROPERTIES: OWNERS VS. NON-OWNERS (In Percentage of total timeshare users)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Owner	60.7	61.6	62.8	70.5	67.3	64.8	62.8	64.0
<i>Non-timeshare owner:</i>								
Non-owner: Transient (Walk-in)	4.1	2.8	3.0	2.3	3.2	2.9	5.0	4.2
Non-owner: Exchange	14.5	14.8	14.5	13.7	7.4	11.1	10.9	10.2
Non-owner: Other	20.8	20.7	19.9	13.4	22.1	21.2	21.3	21.6
Total Timeshare user	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.7 TYPE OF FLIGHT USED BY THE VISITORS (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Charter	3.8	1.9	1.8	1.6	4.5	3.6	2.0	3.0
Scheduled	96.2	98.1	98.2	98.4	95.4	96.3	98.0	97.0
Own Plane	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0
Other Type of flight	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2.A. CHARACTERISTICS OF THE VISITORS FROM THE U.S.A.

3.2A.1 VISITORS FROM THE UNITED STATES BY THE MAJOR STATES (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
New York	28.1	27.6	30.0	28.5	28.3	26.7	24.4	23.8
New Jersey	16.0	16.2	17.2	16.9	15.6	15.9	18.3	17.2
Massachusetts	16.0	18.8	15.5	17.8	17.4	15.2	18.8	16.1
Pennsylvania	12.6	11.1	9.3	9.6	11.6	16.0	8.4	12.7
Connecticut	2.5	4.3	2.5	1.5	3.0	3.7	3.3	2.0
Ohio	2.5	1.8	0.9	0.5	1.0	1.2	1.7	1.4
Maryland	1.1	0.9	1.1	1.0	0.6	0.7	1.5	1.2
Michigan	0.8	1.1	1.2	0.5	0.6	0.6	1.0	0.5
Illinois	5.9	3.9	3.1	4.0	5.6	2.9	3.8	5.0
Florida	2.0	0.9	2.6	3.1	1.6	2.1	2.8	4.3
North Carolina	2.2	3.3	2.3	3.6	0.6	1.0	1.2	2.5
New Hampshire	1.1	1.1	0.5	0.5	1.5	1.1	0.3	0.5
Other States	9.4	9.0	13.9	12.6	12.8	13.0	14.7	12.8

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.2A.2 NUMBER OF VISITS OF VISITORS FROM THE UNITED STATES TO ARUBA (In Percentages)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr.1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
First time	47.6	49.9	42.5	47.3	44.9	42.5	43.7	45.5
2 to 5 times	20.7	18.8	24.6	26.6	21.6	25.3	23.7	26.6
6 times or more	31.6	31.3	32.9	26.1	33.5	32.2	32.6	27.9
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3. SATISFACTION OF THE VISITORS

3.3.1 RATING FROM 1 TO 10 OF OVERALL VISIT TO ARUBA:

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
6	0.4	0.4	0.1	0.1	0.4	0.6	0.1	0.1
7	2.9	2.0	1.7	1.6	1.5	3.6	3.4	1.8
8	13.2	14.2	14.7	11.3	11.5	23.4	24.6	18.2
9	52.6	49.4	49.3	52.6	52.5	46.0	49.9	54.3
10	30.9	33.8	34.1	34.3	34.1	26.4	21.9	25.7
Mean	9.10	9.14	9.15	9.18	9.18	8.94	8.90	9.04

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.2 RATING OF SERVICE RELATED TO THE FOLLOWING:

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
<u>ACCOMMODATION</u>								
Excellent	78.9	72.7	80.7	78.4	79.4	70.6	77.3	79.4
Good	19.0	24.9	17.4	20.0	19.4	27.0	21.7	20.2
Average	1.2	1.0	0.4	0.8	0.2	1.3	0.4	0.4
Poor	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Unknown / n.a.	1.0	1.4	1.6	0.8	1.0	1.0	0.6	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>MEALS & DRINKS</u>								
Excellent	73.6	65.1	73.6	71.6	68.9	60.0	62.6	66.0
Good	24.8	33.0	25.5	26.6	29.0	37.7	35.6	32.1
Average	1.7	1.8	0.9	1.8	2.1	2.3	1.7	2.0
Poor	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0
Unknown / n.a.	0.0	0.2	0.0	0.0	0.0	0.0	0.1	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>LOCAL TRANSPORTATION</u>								
Excellent	57.5	49.6	53.5	46.8	55.5	42.3	34.7	33.2
Good	37.6	44.5	37.9	46.8	39.2	51.5	54.4	58.5
Average	0.3	0.4	0.3	0.9	0.4	1.0	0.4	1.1
Poor	0.0	0.1	0.1	0.0	0.0	0.1	0.0	0.0
Unknown / n.a.	4.5	5.3	8.3	5.4	4.9	5.1	10.5	7.3
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>SHOPPING</u>								
Excellent	55.6	50.0	54.2	45.2	51.5	35.8	28.2	28.2
Good	38.3	44.9	41.0	50.8	41.7	56.5	61.5	65.3
Average	1.5	1.0	0.8	1.2	1.6	3.7	3.2	2.4
Poor	0.0	0.2	0.0	0.0	0.0	0.2	0.2	0.1
Unknown / n.a.	4.6	4.0	4.0	2.8	5.2	3.7	7.0	4.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>ENTERTAINMENT / RECREATION</u>								
Excellent	54.9	47.3	49.9	42.2	52.6	35.1	31.3	30.3
Good	40.5	47.8	43.8	54.4	44.4	57.3	59.9	64.3
Average	0.4	0.8	0.3	1.2	0.4	1.4	0.5	0.8
Poor	0.0	0.0	0.2	0.1	0.0	0.1	0.1	0.0
Unknown / n.a.	4.2	4.1	5.9	2.0	2.7	6.1	8.2	4.5
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>QUALITY OF SERVICE</u>								
Excellent	72.1	66.0	71.9	65.4	66.7	56.1	64.8	59.8
Good	27.4	32.9	27.9	33.5	32.1	42.5	34.5	38.7
Average	0.4	0.9	0.2	1.2	1.1	1.2	0.7	1.1
Poor	0.0	0.2	0.0	0.0	0.0	0.1	0.0	0.1
Unknown / n.a.	0.0	0.1	0.1	0.0	0.1	0.2	0.0	0.4
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.3 RATING OF VALUE FOR MONEY OF THE FOLLOWING:

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
<u>ACCOMMODATION</u>								
Excellent	21.0	17.6	24.0	16.5	35.3	36.7	52.4	31.6
Good	77.3	78.7	74.4	80.3	61.8	58.7	47.0	66.7
Average	1.7	3.2	1.6	3.1	2.9	3.9	0.6	1.7
Poor	0.0	0.5	0.0	0.0	0.0	0.8	0.0	0.0
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>MEALS & DRINKS</u>								
Excellent	13.3	14.2	22.9	11.8	23.4	20.6	21.4	15.9
Good	80.9	79.2	71.8	81.4	68.9	70.7	71.7	79.7
Average	5.0	6.4	5.1	6.5	7.6	8.1	6.6	4.2
Poor	0.9	0.2	0.3	0.4	0.1	0.6	0.3	0.3
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>LOCAL TRANSPORTATION</u>								
Excellent	22.4	21.7	33.0	16.5	27.4	22.1	22.7	16.5
Good	75.6	74.0	65.3	80.5	70.3	73.5	75.0	81.5
Average	1.6	4.0	1.6	2.7	2.2	4.4	2.3	1.8
Poor	0.4	0.3	0.1	0.3	0.1	0.0	0.0	0.1
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>SHOPPING</u>								
Excellent	22.4	25.3	36.8	16.8	24.1	15.7	13.6	10.6
Good	73.1	68.9	61.5	80.8	70.7	74.6	76.9	85.9
Average	4.1	5.4	1.7	2.2	5.1	8.9	9.0	3.6
Poor	0.3	0.3	0.0	0.2	0.0	0.9	0.5	0.0
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>ENTERTAINMENT / RECREATION</u>								
Excellent	22.4	25.3	36.8	16.8	23.4	17.1	17.9	9.9
Good	73.1	68.9	61.5	80.8	72.8	78.1	78.1	88.2
Average	4.1	5.4	1.7	2.2	3.7	4.4	4.0	1.7
Poor	0.3	0.3	0.0	0.2	0.1	0.4	0.0	0.1
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%
<u>QUALITY OF SERVICE</u>								
Excellent	32.4	36.6	46.1	30.4	35.7	33.0	46.1	34.0
Good	66.7	60.0	53.5	67.2	61.9	64.4	52.4	64.0
Average	0.9	3.1	0.5	2.3	2.4	2.4	1.5	1.8
Poor	0.0	0.3	0.0	0.1	0.0	0.2	0.0	0.2
Unknown / n.a.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Tourist Survey - Central Bureau of Statistics - Aruba

3.3.4 PLACES VISITED BY THE VISITORS WHILE IN ARUBA (In %)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Visit museum	2.8	3.7	2.7	4.0	10.3	13.4	7.5	5.4
Visit Historical buildings	21.0	18.5	21.8	10.4	19.0	18.7	29.6	22.8
Visit Historical sites	40.0	39.6	41.1	34.1	43.9	34.7	43.2	36.2
Visit Art galleries	1.2	2.1	1.9	0.7	3.4	3.7	4.9	2.9
Took cultural tours	1.5	2.0	1.4	1.0	1.9	2.2	3.7	2.7
Attended festival or concert	17.9	11.6	18.8	9.1	21.1	19.2	29.0	21.7
Visit beaches	96.1	96.4	95.6	95.3	96.9	96.5	96.5	96.2
Visit center of Oranjestad	93.4	91.3	93.8	88.7	90.2	93.3	80.2	88.4
Visit Franse Pas	11.1	15.2	16.6	7.8	14.4	15.0	24.8	16.8
Visit Restaurants outside the hotel	62.1	58.9	63.2	56.7	56.7	59.4	60.9	59.1
Saw Hotels shows	16.4	23.6	24.9	11.3	26.7	17.6	28.4	21.2
Made Island tour	63.1	61.5	63.2	59.6	66.9	59.1	63.0	61.5
Visit National park	38.6	35.9	36.6	33.5	42.9	32.7	42.5	30.7
Visit North Coast	57.3	57.1	60.9	58.3	66.4	55.4	62.8	59.8
Architecture	11.8	6.5	10.3	8.0	30.2	33.7	40.1	44.3
Visit rock formation	45.0	45.6	48.9	38.9	52.8	44.1	48.6	39.6
Visit San Nicolas	57.0	49.7	58.7	56.7	66.5	57.8	65.3	59.8
Visit shopping malls	93.3	91.9	92.3	94.5	91.3	85.6	90.8	91.0
Other	10.9	13.3	10.6		11.5	11.3	10.7	9.0

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.0. MONEY ASPECTS OF THE VISITORS

4.1 AVERAGE DAILY EXPENDITURE SPENT IN ARUBA PER CATEGORY ¹⁾ (In US\$)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Accommodation ²⁾	10.62	7.61	10.28	11.75	9.04	9.33	8.79	8.01
Food & beverage	21.23	24.37	19.96	18.96	18.70	20.97	19.33	18.97
Groceries / sundries	3.76	3.69	3.07	3.01	2.97	3.31	3.10	3.38
Entertainment / recreation	9.36	10.12	7.44	7.50	8.54	8.00	7.83	7.68
Taxis	3.71	6.79	3.27	3.20	3.10	3.05	3.21	3.43
Car rental	4.82	23.05	5.52	5.02	5.12	4.90	5.55	5.52
Public transportation	0.28	0.20	0.20	0.22	0.25	0.18	0.19	0.19
Tax free shopping	2.76	1.98	1.37	3.30	2.28	2.27	2.53	3.08
Shopping	19.40	16.90	20.52	24.05	18.94	19.27	20.61	24.49
Casinos	12.72	14.93	10.22	13.64	14.64	13.36	10.51	11.55
Internet/Telephone	0.39	0.16	0.10	0.06	0.23	0.24	0.08	0.09
Other ³⁾	0.69	0.61	0.43	0.26	0.33	0.47	0.71	0.27
Total (In US\$)	88.56	90.20	80.62	88.09	84.12	85.37	82.43	86.65

Source: Tourist Survey - Central Bureau of Statistics - Aruba

Notes: (Note 1 apply to all expenditures mentioned in the tables regarding expenditures)

1) The expenditures above mentioned are expenditures that were made while the visitors were IN ARUBA, excluding anything spent on pre-paid package outside

2) The expenditure category "accommodation" does not include any expenses made on a pre-paid package for accommodation.

3) The expenditures belonging to the category "other" also includes expenditures which are unknown or that that could not be specified by the interviewed visitor
For this reason the amount does not represent expenditures belonging to the category "other" only.

4.2 AVERAGE DAILY EXPENDITURE BY PLACE OF RESIDENCE ¹⁾ (In US\$)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
United States	88.88	95.11	75.19	83.64	85.95	81.19	78.78	82.88
Venezuela	142.65	123.93	140.49	150.57	136.19	144.22	113.31	143.56
Netherlands	52.58	43.58	43.45	41.03	50.31	47.21	65.43	58.03
Netherlands Antilles	97.54	69.50	76.64	113.66	78.45	84.14	89.87	73.21
Brazil	97.54	69.01	66.69	70.41	103.85	91.45	83.77	89.63
Canada	49.95	57.46	59.47	49.49	48.34	56.37	50.56	52.31
Colombia	83.88	91.80	64.39	64.95	65.53	87.21	83.49	62.13
Other	92.04	69.65	53.80	71.25	70.49	70.25	58.37	54.55
Total visitors	88.56	90.20	80.62	88.09	84.12	85.37	82.43	86.65

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.3 AVERAGE DAILY EXPENDITURE BY PURPOSE OF VISIT (In US\$) ¹⁾

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Vacation	89.47	85.55	81.41	89.00	85.13	85.61	83.12	85.32
Honeymoon	77.09	86.82	84.42	103.17	72.52	75.44	69.19	86.14
Visit friends / relatives	53.87	43.09	58.80	56.37	37.55	48.89	70.48	67.72
Other	82.58	89.67	52.08	54.33	46.43	138.23	87.75	66.61
Business & leisure	191.88	146.03	168.12	132.27	149.44	190.91	124.09	312.2
Business Only / Convention ²⁾	98.48	105.83	94.05	181.76	194.12	212.38	117.83	218.57
Wedding	41.14	32.48	95.39	48.74	130.00	41.76	61.44	68.01

Source: Tourist Survey - Central Bureau of Statistics - Aruba

1) Expenditures belonging to the categories Incentives and Golf are based on a very small sample and therefore has been left out.

2) The expenditure belonging to the category "Other" and "Business Only / Convention" are based on a small sample and therefore may not be very representative.

4.4 AVERAGE DAILY EXPENDITURE BY NUMBER OF VISITS TO ARUBA ¹⁾ (In US\$)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
First time	76.58	87.16	70.78	76.13	71.20	75.34	71.05	70.32
Between 2 and 5 times	97.62	89.82	84.92	88.65	89.85	93.78	90.85	102.89
6 Times or more	100.52	95.28	90.11	109.21	101.69	92.95	92.58	99.43

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.5 AVERAGE DAILY EXPENDITURE BY YEARLY HOUSEHOLD INCOME LEVEL ¹⁾ (In US\$)

	Qtr. 1 2011	Qtr. 2 2011	Qtr. 3 2011	Qtr. 4 2011	Qtr. 1 2012	Qtr. 2 2012	Qtr. 3 2012	Qtr. 4 2012
Less than US\$20,000	71.32	60.50	56.46	59.83	52.29	60.29	61.20	73.89
US\$20,001 - US\$30,000	79.07	73.33	69.04	73.50	69.08	77.24	76.16	88.25
US\$30,001 - US\$50,000	76.33	59.50	64.46	76.34	76.55	80.92	85.21	68.78
US\$50,001 - US\$75,000	81.28	72.29	78.14	82.59	75.09	87.10	82.70	88.03
US\$75,001 - US\$100,000	90.25	92.65	92.53	96.51	108.32	91.04	80.79	96.35
US\$100,001 and over	116.99	132.58	117.45	122.13	118.66	108.15	108.15	108.15

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.6 HOW MANY PERSONS DOES THE EXPENDITURE COVERS

	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4
	2011	2011	2011	2011	2012	2012	2012	2012
Adults	2,256	2,231	2,341	2,274	2,294	2,229	2,296	2,257
Children	192	149	292	129	150	163	282	119
Total	2,448	2,380	2,633	2,403	2,294	2,392	2,578	2,376

Source: Central Bureau of Statistics - Aruba

4.7 HOTEL RELATED STATISTICS

	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4
	2011	2011	2011	2011	2012	2012	2012	2012

Hotel :

Occupancy	83.6%	70.4%	75.4%	68.8%	82.5%	75.1%	80.5%	76.7%
Average Daily Rate	\$238.69	\$173.49	\$160.87	\$195.86	\$255.83	\$180.63	\$167.03	\$196.42
Revenue per available room	\$199.55	\$122.16	\$121.24	\$132.65	\$211.02	\$135.69	\$134.43	\$150.71

Timeshare :

Occupancy	88.5%	78.8%	79.9%	80.4%	85.5%	75.1%	79.3%	77.7%
Average Daily Rate	\$232.31	\$161.01	\$156.48	\$162.81	\$214.31	\$150.76	\$136.42	\$145.63
Revenue per available room	\$26.10	\$19.22	\$16.25	\$14.28	\$20.91	\$18.37	\$20.33	\$18.71

Total :

Occupied Room Nights	564,876	488,729	502,545	483,012	551,788	495,162	527,860	513,445
Occupancy	85.9%	74.1%	77.4%	73.3%	83.9%	75.1%	79.9%	77.2%
Average Daily Rate	\$238.03	\$172.01	\$160.44	\$192.87	\$251.73	\$176.75	\$162.62	\$189.61
Revenue per available room	\$119.60	\$76.74	\$74.99	\$81.25	\$119.59	\$79.42	\$80.13	\$87.28
Total Room Revenue	\$78,666,496	\$50,590,752	\$48,709,262	\$53,578,693	\$78,603,787	\$52,346,147	\$52,920,691	\$58,068,237

Source: Central Bureau of Statistics - Aruba

4.8 AVERAGE EXPENDITURE PER PERSON PER TRIP BY THE MAJOR MARKETS 1) (In US\$)

	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4
	2011	2011	2011	2011	2012	2012	2012	2012
United States	666.60	702.86	569.94	625.63	672.13	617.04	571.94	611.65
Venezuela	841.64	694.01	849.96	847.71	815.78	816.29	714.99	776.66
Netherlands	515.28	580.49	513.14	442.30	552.40	524.98	772.73	608.73
Netherlands Antilles	536.47	323.87	428.42	484.19	404.02	381.15	447.55	337.50
Brazil	624.26	567.26	437.49	487.24	762.26	625.52	603.98	608.59
Canada	394.61	415.44	456.73	380.08	372.22	413.19	385.27	364.08
Colombia	587.16	726.14	404.37	535.19	542.59	655.82	766.44	459.14
Other	892.79	653.32	461.60	572.85	711.95	594.32	531.75	538.41
Total visitors	673.06	686.42	607.87	646.58	664.55	639.42	614.93	633.41

Source: Tourist Survey - Central Bureau of Statistics - Aruba

4.9 TOURISM EXPENDITURE IN ARUBA BY THE MAJOR MARKETS 1) (In 1,000 US dollars)

	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4
	2011	2011	2011	2011	2012	2012	2012	2012
United States	97,038.30	97,917.94	70,506.16	76,662.48	97,061.48	84,892.30	71,670.15	75,632.29
Venezuela	14,726.09	16,794.30	35,677.26	28,963.68	18,528.77	23,126.99	34,159.18	34,468.15
Netherlands	5,099.25	5,458.31	5,401.87	4,530.07	5,747.76	4,863.37	8,236.51	5,871.25
Netherl. Antilles	2,479.03	2,000.54	3,464.61	3,335.11	2,085.54	2,952.80	3,225.06	2,445.51
Brazil	3,620.68	2,419.37	2,794.66	2,903.93	4,127.63	2,579.64	3,632.35	3,357.58
Canada	7,142.75	2,905.56	2,330.69	3,910.68	6,513.82	3,215.87	2,891.43	4,769.05
Colombia	1,819.02	3,665.54	1,544.69	2,535.19	1,833.41	2,964.30	3,264.26	2,740.61
Other	13,847.14	11,165.84	11,151.89	10,197.30	11,154.10	10,306.61	13,268.24	10,447.28
Total visitors	148,136.26	145,857.81	136,022.32	137,476.61	149,290.71	138,556.84	143,696.94	144,995.49

Source: Tourist Survey - Central Bureau of Statistics - Aruba

Opposer's Motion for Summary Judgment

EXHIBIT “V”



Ken and Rocky



Travel



Opus the Cat



Cinco de Mayo



Christmas



Side Trips

About Us

Carroll was born in Southern CA but spent most of her childhood in Oklahoma. She is now an elementary school teacher at [Laurel Creek School](#) in Fairfield, CA.

David was also born in Southern CA and has spent his entire life in the great state. He is an independent business intelligence consultant. His business name is [OLAP Business Solutions](#).

We had a cat named Opus. He even has his own website. We both love to travel. Thank you for visiting our website!

You can contact us by sending an email using this form. [\(Click here\)](#)

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Aruba Beaches & Snorkeling

Aruba has awesome beaches. We think Aruba beaches are the best in the world when it comes to just spending a relaxing day on the beach. This photo was taken with the self timer on our camera while on Eagle Beach, in front of the Amsterdam Manor.



As you can see, Eagle beach is very long and beautiful. Off in the distance you can see the "high-rise" hotels that line Palm Beach

Look at the tiny beers they have in Aruba! Very easy to watch what you drink when the beers are the size of a shot glass. Aruba now has its own beer called Balashi. It is very good.



Palm beach is where all the "high-rise" hotels are located. It is also a very nice beach, but it is more crowded than Eagle beach. Still a very nice place to relax on the beach!

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To Know
About Aruba.
Aruba - "One
Happy Island"

[o](#) [o](#)

BNB 000377

Opposer's Motion for Summary Judgment

EXHIBIT “A”

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86566095

Filing Date: 03/17/2015

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	BALASHI SPIRITS
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BALASHI SPIRITS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	t & beer, inc
*STREET	136 willow drive
*CITY	old tappan
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	07675
PHONE	732-727-5030
LEGAL ENTITY INFORMATION	

*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	033
*IDENTIFICATION	Distilled Spirits
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	joseph a. ascoli
FIRM NAME	skene law firm, p.c.
STREET	2614 rt, 516
CITY	old bridge
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08857
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	joseph a. ascoli
FIRM NAME	skene law firm, p.c.
*STREET	2614 rt, 516

*CITY	old bridge
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE	08857
PHONE	732-727-5030
FAX	732-727-5028
*EMAIL ADDRESS	jascoli@skenelawfirm.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/joseph a. ascoli/
* SIGNATORY'S NAME	joseph a. ascoli
* SIGNATORY'S POSITION	attorney of record
SIGNATORY'S PHONE NUMBER	732-727-5030
* DATE SIGNED	03/17/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86566095

Filing Date: 03/17/2015

To the Commissioner for Trademarks:

MARK: BALASHI SPIRITS (Standard Characters, see [mark](#))

The literal element of the mark consists of BALASHI SPIRITS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, t & beer, inc, a corporation of New York, having an address of
136 willow drive
old tappan, New Jersey 07675
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 033: Distilled Spirits

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

joseph a. ascoli of skene law firm, p.c.
2614 rt, 516
old bridge, New Jersey 08857
United States

The applicant's current Correspondence Information:

joseph a. ascoli
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old bridge, New Jersey 08857
732-727-5030(phone)
732-727-5028(fax)

jascoli@skenelawfirm.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /joseph a. ascoli/ Date Signed: 03/17/2015

Signatory's Name: joseph a. ascoli

Signatory's Position: attorney of record

RAM Sale Number: 86566095

RAM Accounting Date: 03/17/2015

Serial Number: 86566095

Internet Transmission Date: Tue Mar 17 10:18:21 EDT 2015

TEAS Stamp: USPTO/FTK-67.84.31.15-201503171018214958

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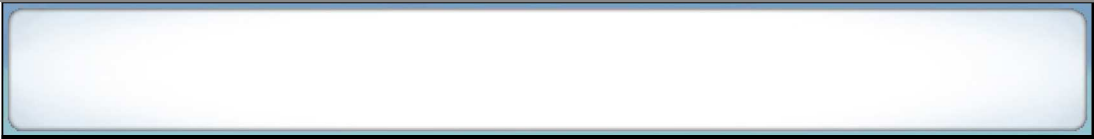
8379-20150317100746364638

BALASHI SPIRITS

Opposer's Motion for Summary Judgment

Proceeding No. 91223456

EXHIBIT “AA”



Home > Beers > **Brouwerij Nacional Balashi**

Balashi - Brouwerij Nacional Balashi

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BA SCORE

69

poor

67 Reviews

THE BROS

-

no score

(Send Samples)

Reviews: 67

Hads: 158

Avg: 2.85

pDev: 32.28%

Wants: 6

Gots: 21 | FT: 2

Brewed by:
Brouwerij Nacional Balashi
Aruba

Style | ABV
Euro Pale Lager | 5.00% ABV

Availability: Year-round

Notes & Commercial Description:
Beer added by: jmatthew on 10-11-2002

No notes at this time.

Educational use only; do not reuse.

View: **Beers (3)** | **Events**

Beer: Reviews & Ratings

Sort by: Recent | High | Low | Top Raters

first ← prev | 1-25 | 26-50 | 51-75 | next → last

Reviews: 67 | Hads: 158

5/5 rDev +75.4%

look: 5 | smell: 5 | taste: 5 | feel: 5 | overall: 5

Looks like Aruba.

Tastes like Aruba.

Smells like Aruba.

Feels like Aruba.

When I have a bucket of Balashis waiting for me back at my palapa, I know that life is good.

I give it a 5.

★ 188 characters

jawaltz, Oct 04, 2015

3.52/5 rDev +23.5%

look: 3.75 | smell: 3 | taste: 4 | feel: 3.25 | overall: 3.25

When in Aruba, this is the beer to drink (when not at Madame Janette's <http://www.madamejanette.info/joomla2/menu/special-beers>). Clean, crisp, and easy to drink while on the beach. A simple lager, brewed with Aruba's excellent water. You can get Heinekin and Corona at home, so why not drink this. Comes in little bottles, which disappear quickly, so buy it by the case at the local supermarkets.

★ 402 characters

10-8, Jun 06, 2015

2.44/5 rDev -14.4%

look: 3.75 | smell: 2.75 | taste: 2 | feel: 3 | overall: 2.25

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Samuel Smith's Pure Brewed Lager Beer

Samuel Smith Old Brewery (Tadcaster)

BNB 000278



LOOK: Deep yellow color bordering on light golden, good clarity. Soapy head forms and retains well along the glass. Looks good.

SMELL: Adjuncts and malts, pungent hops, slight vegetal, husk. Euro lager smell.

TASTE: Malt and corn give the grainy flavor, faint bitterness, and slightly sour. Euro pale lager on the low end. Either way not particularly clean or memorable, there is once again the cooked veggie, dimethyl sulfate presence. That needs cleaned up for sure. Its very common and plain lager.

FEEL: Light crisp body, ample carbonation. Aftertaste of hop and vegetable.

OVERALL: A ho-hum beach beer from the Aruban brewery. Its not flashy or very tasty at all, but it would get the job done if nothing else were to be found.

★ 752 characters

Stinkypuss, Jun 03, 2015



3.03/5 rDev +6.3%

look: 2.5 | smell: 2.5 | taste: 3.25 | feel: 3.25 | overall: 3.25

Poured from a can so this had no skunkiness and resembled so many of the style. Classic Pilsner malts with a dry cracker flavor. Very watery feel so it's ideal for the beach but it didn't drowned the malt flavor.

★ 212 characters

KYGunner, Apr 05, 2015



2.77/5 rDev -2.8%

look: 3 | smell: 2.75 | taste: 2.75 | feel: 2.75 | overall: 2.75

Poured from a 7oz bottle my mother in law smuggled back from Aruba into a shaker pint, the beer is a pale, crystal clear, almost watery looking straw gold coloring with no head. Aromas of toasted grains, hints of baked bread, and some buttery highlights. Yikes. Flavors are toasted grains forward, with a fruit sweet undertone that I'm not sure is supposed to be there. Floral notes throughout, too, but otherwise light in flavor, jacking up the drinkability to the levels of water. Light, crisp bodied, with a toasted grain aftertaste. The finish is smooth and clean. Fairly unremarkable, and fairly innocuous. I can see drinking this in large quantities on a beach in Aruba, devoid of other options.

★ 703 characters

GarthDanielson, Sep 28, 2014



2.03/5 rDev -28.8%

look: 2.5 | smell: 2 | taste: 2 | feel: 2 | overall: 2

Aruba beer. Do a little dance. Make a little love. Get down tonight. The beer comes in this cute little bottle that looks like it should be served on airplanes by those arrogant pricks that fake smile at you and ask if you would like a snack, knowing full well that six peanuts and a shitty processed sugar cookie is only herding you toward numb obedience and an inevitable slow and miserable death. Like I said, small bottle.

Sweet smelling. Adjuncts, corn, cigarettes on the beach, middle age chics acting like they don't regret that tattoo they got back when they used to maybe be sexy, but now their gunts cover up the ridiculous rhinestones on their bikini bottoms that stopped fitting after they had their third ill-advised child with some GED toting douche bag who rides a motorcycle to Buffalo Wild Wings so he can try and beat his low life middle age peers in bar trivia, where questions like "Chief Suggam Bagadix surrendered his manhood in which battle?" get the night shift crowd all hot and bothered.

I would like to visit Aruba someday.

★ 1,052 characters

Huhzubendah, Jun 12, 2014



3.02/5 rDev +6%

look: 3.25 | smell: 3 | taste: 3 | feel: 3 | overall: 3

This is a light beer from Aruba!

5.0 % ABV

This is a smooth light beer

Smell : Wheat

Taste: Skunky, very weird after taste. Leaves a bad taste after drinking

Aroma: Wheat

It is very clear, watery

Not my favorite beer, but it is refreshing in the sun!

Served in a can

Lucky Buddha Enlightened Beer
The Lucky Drink Company

Tyskie Gronie
Tyskie Browary Książęce (SABMiller)

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"Free Shipping" at checkout.

Shop now **BNB 000279**

★ 269 characters

balcomjo7, Apr 26, 2014



2.63/5 rDev -7.7%

look: 2.5 | smell: 2.5 | taste: 2.5 | feel: 3.25 | overall: 2.75

The only thing I really liked about this beer was that I drank it in Aruba. I had two, in fact - one draft and one can. I guess I liked one other thing - they were much cheaper than the crap beer they were serving on the Coral Princess cruise ship I was on.

It actually had a funky unnatural color. Sort of green. It came recommended, but the source of the recommendation was unreliable. The taste was very forgettable. You want to forget it. But the bar I had it in was pretty cool - open air, by a mall. They had a stuffed Santa suit passed out at the bar (the holidays were approaching). The can I bought in the cruise terminal and drank it while shopping. It was 2 or 3 bucks, but still cheap compared to the ship.

I wonder if it is their water that makes it worse (the style is also at fault).

Still, it was nice to have a cold one on a nice hot day in Aruba. Right about now I would like to be back there.

★ 915 characters

schoolboy, Nov 23, 2013



3.7/5 rDev +29.8%

look: 3 | smell: 3 | taste: 4 | feel: 4 | overall: 4

Enjoyed from bottle at airport out of Aruba. Green small bottle

A 3 simple cerveza clear. Lacing apparent on bottle.

S 3 skunky without much character. Slightly grainy.

T 4. Very much like Heineken. Very refreshing beer. Sweet up front skunky was doesn't carry through badly. Nice and bitter on finish good with a lime

M. 4. Light bodies with ample carbonation

O 4. I enjoyed many of these down on the happy island of Aruba. It is a great summery beer.

★ 457 characters

Dave128, Sep 27, 2013



2.5/5 rDev -12.3%

look: 2.5 | smell: 2.5 | taste: 2.5 | feel: 2.5 | overall: 2.5

Appearance: Pale yellow, not much head or lacing

Smell: Malt, grain, corn

Taste: Malt sweetness, with some corn and grain notes

Mouthfeel: Crisp and refreshing

Overall: Not a bad beer to have when you're sweating on the beach, but it is nothing to be savored. Would likely lose its appeal in any other setting. Not a bad beer, but I preferred cocktails on my stay in Aruba.

★ 377 characters

MadCat, Oct 10, 2012



3.42/5 rDev +20%

look: 3 | smell: 3.5 | taste: 3.5 | feel: 3 | overall: 3.5

Currently sitting by the pool and enjoying one fresh. Although yes this may not be a great beer, it is good for what it is. Decent taste, nothing really to note on color or mouthfeel. It is cool to have while in Aruba As I would much prefer it to other American light beers, but this is nothing to seek out.

★ 307 characters

Kmccabe33, Jul 19, 2012



2.73/5 rDev -4.2%

look: 2.5 | smell: 2 | taste: 3 | feel: 3 | overall: 3

This review is from notes from a recent cruise.

Pours a pale yellow with a flash in the pan head that quickly becomes nothing and leaves no lace. The smell is of wet grains and corn, very mild and not offensive at all. The taste follows suit with a light malt



BNB 000280



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Domain Name: BEERADVOCATE.COM

Registry Domain ID: 28238197_DOMAIN_COM-VRSN

Registrar WHOIS Server: whois.networksolutions.com

Registrar URL: http://networksolutions.com

Updated Date: 2015-04-02T09:42:02Z

Creation Date: 2000-05-31T21:28:22Z

Registrar Registration Expiration Date: 2020-05-31T04:00:00Z

Registrar: NETWORK SOLUTIONS, LLC.

Registrar IANA ID: 2

Registrar Abuse Contact Email: abuse@web.com

Registrar Abuse Contact Phone: +1.8003337680

Reseller:

Domain Status: clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>

Registry Registrant ID:

Registrant Name: Alstrom, Todd

Registrant Organization: BeerAdvocate

Registrant Street: PO Box 534

Registrant City: Boston

Registrant State/Province: MA

Registrant Postal Code: 02128

Registrant Country: US

Registrant Phone:

Registrant Phone Ext:

Registrant Fax:

Registrant Fax Ext:

Registrant Email: beeradvocate@gmail.com

BNB 000294

Registry Admin ID:
Admin Name: Alstrom, Todd
Admin Organization: BeerAdvocate
Admin Street: PO Box 534
Admin City: Boston
Admin State/Province: MA
Admin Postal Code: 02128
Admin Country: US
Admin Phone: +1.9999999999
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: beeradvocate@gmail.com
Registry Tech ID:
Tech Name: Alstrom, Todd
Tech Organization: BeerAdvocate
Tech Street: PO Box 534
Tech City: Boston
Tech State/Province: MA
Tech Postal Code: 02128
Tech Country: US
Tech Phone: +1.9999999999
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: beeradvocate@gmail.com
Name Server: ANNA.NS.CLOUDFLARE.COM
Name Server: NORM.NS.CLOUDFLARE.COM
DNSSEC: Unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
>>> Last update of whois database: Thu, 17 Dec 2015 17:27:30 GMT <<<

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Opposer's Motion for Summary Judgment

Proceeding No. 91223456

EXHIBIT “BB”



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Backorder

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If the owner doesn't renew, we'll get it for you before it becomes available to the general public.

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Domain Name: RATEBEEER.COM
Registry Domain ID: 21913168_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Update Date: 2009-01-24T15:22:02Z
Creation Date: 2000-03-09T00:20:16Z
Registrar Registration Expiration Date: 2017-03-09T00:20:16Z
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: abuse@godaddy.com
Registrar Abuse Contact Phone: +1.4806242505
Domain Status: clientTransferProhibited http://www.icann.org/epp#clie
Domain Status: clientUpdateProhibited http://www.icann.org/epp#client
Domain Status: clientRenewProhibited http://www.icann.org/epp#clientR
Domain Status: clientDeleteProhibited http://www.icann.org/epp#client
Registry Registrant ID:
Registrant Name: Joseph Tucker
Registrant Organization: RateBeer LLC
Registrant Street: PO Box 475
Registrant City: Fulton
Registrant State/Province: California
Registrant Postal Code: 95439
Registrant Country: United States
Registrant Phone: +1.7075410657
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: ratebeer.com@gmail.com
Registry Admin ID:
Admin Name: Joseph Tucker
Admin Organization: RateBeer LLC
Admin Street: PO Box 475
Admin City: Fulton
Admin State/Province: California

BNB 000296

<http://www.networksolutions.com/whois/results.jsp?domain=ratebeer.com>

Admin Postal Code: 95439
Admin Country: United States
Admin Phone: +1.7075410657
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: ratebeer.com@gmail.com
Registry Tech ID:
Tech Name: Joseph Tucker
Tech Organization: RateBeer LLC
Tech Street: PO Box 475
Tech City: Fulton
Tech State/Province: California
Tech Postal Code: 95439
Tech Country: United States
Tech Phone: +1.7075410657
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: ratebeer.com@gmail.com
Name Server: NS03.DOMAINCONTROL.COM
Name Server: NS04.DOMAINCONTROL.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.in>
>>> Last update of WHOIS database: 2015-12-17T17:00:00Z <<<

For more information on Whois status codes, please visit
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

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Balashi Chill



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overall

2

30
style

Brewed by [Balashi National Brewery Inc.](#)

Style: [Pale Lager](#)

Santa Cruz, Aruba

Serve in [Dimpled mug](#), [Lager glass](#), [Shaker](#)



bottled
available



on tap
unknown



Local Distribution



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RATINGS: 35 MEAN: 1.78/5.0 WEIGHTED AVG: 1.9/5 EST. CALORIES: 150 ABV: 5%

No commercial description

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3.6

AROMA 6/10 APPEARANCE 4/5 TASTE 6/10 PALATE 4/5 OVERALL 16/20
[MarkSachon \(821\)](#) - Pennsylvania, USA - OCT 23, 2015

Small bottle from friend Barb R. after her trip to Aruba. Clear, clean, crisp and positively refreshing. Would go great with any beach in the world.



0.8

AROMA 1/10 APPEARANCE 1/5 TASTE 2/10 PALATE 2/5 OVERALL 2/20
[MrHangover \(3624\)](#) - Den Haag, NETHERLANDS - AUG 2, 2015

Bottle @ THT July, courtesy of me! Clear bottle,, why!! Pours a clear golden skunky liquid with a small white head on top. Aroma of skunky stuff, loads of dusty malts and cardboard. Flavor is basically the same, very watery and thin. Didn't expect much, didn't get much.



1.6

AROMA 4/10 APPEARANCE 2/5 TASTE 3/10 PALATE 2/5 OVERALL 5/20
[Scotty001 \(474\)](#) - Portlethen, SCOTLAND - JUL 31, 2015

Poured very light yellow with no head. Aroma of sweet, fruity malt. Light body, flavour is lightly sweet, buttery.



1.8

AROMA 3/10 APPEARANCE 3/5 TASTE 3/10 PALATE 3/5 OVERALL 6/20
[deanso \(7293\)](#) - the Hague, NETHERLANDS - JUL 31, 2015

small bottle courtesy of and shared with MrHangover. Very thin white head. Clear light golden pour. Another bland and boring lager

1.4

AROMA 3/10 APPEARANCE 2/5 TASTE 3/10 PALATE 2/5 OVERALL 4/20

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[Åbro Bryggmästarens Bästa Mellanöl 97](#)

[Badger Hofbräu HB Export 93](#)

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[Kräftig Light 80](#)

[Saint-Omer Amigo Refreshing Beer 78](#)

[Gold Crown Kings Pilsner 96](#)

[Piaś Chmielowe Ratuszowe 90](#)

BNB 000298



kermis (8212) - The Hague, NETHERLANDS - JUL 31, 2015

Bottle shared thanks to Mrhangover. Pours clear golden with a small white head. Aroma of cardboard, skunky, light toffee and malt. Flavor is over light sweet and light bitter. Light bodied with light carbonation.



2.2 AROMA 4/10 APPEARANCE 3/5 TASTE 5/10 PALATE 3/5 OVERALL 7/20
Barreras (1381) - Diamond Bar, California, USA - JUL 29, 2015

Pours a light yellow color with a faint corn aroma. Taste is light, dry, no true distinct flavor except for light corn. A bland light beer.



2 AROMA 4/10 APPEARANCE 4/5 TASTE 4/10 PALATE 4/5 OVERALL 4/20
Erzengel (6296) - Wuppertal, GERMANY - JUL 3, 2015

Many thanks to kevnich2008 for sharing. Grainy nose and pale colour in the glass. The beer starts neutral with hints of a sweetish sourness. Grain, refreshing with a malty sweetness, that remains until the slightly grainy finish. No bitterness there. Smooth and sweetish-neutral aftertaste.



1.2 AROMA 3/10 APPEARANCE 1/5 TASTE 2/10 PALATE 1/5 OVERALL 5/20
Beerhunter111 (12470) - Hasborn, GERMANY - JUL 3, 2015

Vielen Dank an kevnich2008 fürs Teilen! Fast klare blass goldene Farbe, geringe weiße Schaumkrone. Geruch süß malzig, brotig, getreidig, wässrig. Geschmack getreidig malzig, muffig, süß, naja!



1.7 AROMA 3/10 APPEARANCE 2/5 TASTE 3/10 PALATE 2/5 OVERALL 7/20
kevnich2008 (10293) - Baden-Baden, GERMANY - JUN 29, 2015

Can Pours a golden color , without head. Aroma of malt and grain. Taste is the same.



1.6 AROMA 3/10 APPEARANCE 2/5 TASTE 3/10 PALATE 2/5 OVERALL 6/20
Piw (563) - Rüsselsheim, GERMANY - MAR 29, 2015

220ml Flasche. Klar und golden. Minimale Schaumkrone. Wässrig, kaum Aroma oder Geschmack.

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64

style

Brewed by [Balashi National Brewery Inc.](#)

Style: [Pale Lager](#)

Santa Cruz, Aruba

Serve in [Dimpled mug](#), [Lager glass](#), [Shaker](#)



bottling
unknown



on tap
unknown



distribution
unknown



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| [edit barcodes](#)

| [update pic](#)

RATINGS: **181** WEIGHTED AVG: **2.21/5** EST. CALORIES: 150 ABV: 5%

COMMERCIAL DESCRIPTION

The beer has a deep golden color totally clear and transparent, with a bitterness which is soft to the tongue and nose however with an aroma of fresh hops, a short aftertaste and easy on foam. The combination of all feels fresh and smooth to the mouth when cold, perfect for Aruba's hot climate.

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1.8

AROMA 4/10 APPEARANCE 3/5 TASTE 4/10 PALATE 2/5 OVERALL 5/20

[RobertDale \(4591\)](#) - Lansing, Kansas, USA - DEC 14, 2015

Can. Thanks John! Pours a pale gold with an average white head. Mild aroma of malt and grain. Taste is malt, corn, and some grass. Some metallic and skunky taste. Typical Caribbean lager.



1.2

AROMA 2/10 APPEARANCE 1/5 TASTE 2/10 PALATE 2/5 OVERALL 5/20

[DandyWolfFloyd \(733\)](#) - Jim Thorpe, Pennsylvania, USA - DEC 5, 2015

Aroma - a little sweetness malt-wise in the nose Appearance - pale body color no real head, rings out Taste - is full of corny malt, hay, and adjuncts Palate - thin body, soft carbonation. Not special - but a hard find Thank you - Gary Reed ---Rated via Beer Buddy for iPhone



3.3

AROMA 5/10 APPEARANCE 4/5 TASTE 5/10 PALATE 4/5 OVERALL 15/20

[MarkSachon \(821\)](#) - Pennsylvania, USA - OCT 12, 2015

12 oz can from Barb as a gift from her trip - thanks! Lacks any real taste but might be good for a hot summer day on the islands.



2.1

AROMA 4/10 APPEARANCE 2/5 TASTE 4/10 PALATE 2/5 OVERALL 9/20

[MrHangover \(3624\)](#) - Den Haag, NETHERLANDS - SEP 6, 2015

Bottle as gift from a friend. Typical lager look, clear golden, medium white head. Aroma is rather skunky, malty and cardboard. Flavour is medium sweet, not much else. All the characteristics of a decent lager, but really nothing more.

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Statistics

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[Aass Ankerpils 64](#)

[Stella Artois Black 85](#)

[Taedonggang 11P 90](#)

[Michelob Seasonal Brew All Malt Lager 92](#)

[Dia Especial Lager 76](#)

[Belle Gueule Blonde d'Été 77](#)

[Bofferding Lager Pils 80](#)

[Gambrinus Bier 80](#)

BNB 000308



2.3 AROMA 4/10 APPEARANCE 2/5 TASTE 4/10 PALATE 3/5 OVERALL 10/20
Douberd (3785) - Arnhem, NETHERLANDS - AUG 5, 2015

(Balashi) Small bottle shared by vipinvelp at home, thanks! New country tick. Golden pale in colour with a small white head, low retention and minimal lacing left behind. Aroma of adjuncts, can't really tell what, some dirty hay. Taste of maltose, sweet, with hay and dried grass. Medium thin body, average carbonation, quite dry though. Well, probably tastes better in an Aruba beach.



2.6 AROMA 4/10 APPEARANCE 3/5 TASTE 6/10 PALATE 3/5 OVERALL 10/20
Barreras (1381) - Diamond Bar, California, USA - JUL 29, 2015

Pours a golden yellow color with a sweet malt aroma. Taste is malt, corn, and a light sweetness. A dry finish with little aftertaste. Thank you Willie Veloz for bringing me this beer direct from his vacation in Aruba.



2.2 AROMA 5/10 APPEARANCE 4/5 TASTE 4/10 PALATE 4/5 OVERALL 5/20
Erzengel (6296) - Wuppertal, GERMANY - JUL 3, 2015

Many thanks to kevnich2008 for sharing. Golden colour with a grainy-malty nose. The beer starts neutral-grainy, malty-sweetish and a bit more intense than the "Balashi Chill". Malty-grain is dominating the quite watery picture with hints of a malty sweetness. Easy drinkable and very refreshing. Nearly no bitterness in the end. Nice for what it wants to be.



1.5 AROMA 3/10 APPEARANCE 2/5 TASTE 3/10 PALATE 1/5 OVERALL 6/20
Beerhunter111 (12469) - Hasborn, GERMANY - JUL 3, 2015

Vielen Dank an kevnich2008 fürs Teilen! Klare goldene Farbe, sehr wenig weißer Schaum. Geruch süß malzig, getreidig, Obst. Geschmack getreidig malzig, süß malzig, wässrig.



1.9 AROMA 4/10 APPEARANCE 2/5 TASTE 3/10 PALATE 2/5 OVERALL 8/20
kevnich2008 (10293) - Baden-Baden, GERMANY - JUN 29, 2015

Can. Clear, gold color. Minimal, short lasting, white head. Aroma of malt - not very intensive.



2.1 AROMA 7/10 APPEARANCE 5/5 TASTE 3/10 PALATE 2/5 OVERALL 4/20
CDub1977 (1) - Oklahoma, USA - APR 28, 2015 *does not count*

I went in vacation in Aruba and Balashi was about all there was beer wise to drink. It is a lot like Heineken that has been watered down with Schlitz.

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Opposer's Motion for Summary Judgment

Proceeding No. 91223456

EXHIBIT “DD”

Generated on:

This page was generated by TSDR on 2015-12-17 12:58:17 EST

Mark: BALASHI

BALASHI

US Serial Number: 86734984

Application Filing Date:

Aug. 24, 2015

Filed as TEAS RF: Yes

Currently TEAS RF:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date:

Nov. 03, 2015

Mark Information

Mark Literal Elements:

BALASHI

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Beer

International Class(es): 032 - Primary Class

U.S Class(es):

045, 046, 048

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 01, 1999

Use in Commerce:

Nov. 01, 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

BNB 000488

Current Owner(s) Information

Owner Name:

Brouwerij Nacional Balashi, N.V.

Owner Address:

Balashi #62 St. Cruz
Santa Cruz ARUBA

Legal Entity Type: naamloze vennootschap (nv)

**State or Country Where
Organized:**

ARUBA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan J. Latham

Docket Number:

1918 - Brouw

**Attorney Primary Email
Address:** trademarks@feldmangale.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

SUSAN J. LATHAM
Feldman Gale P A
1 Biscayne Tower Fl 30
Miami, FLORIDA UNITED STATES 33131-1806

Phone: 305.358.5001

Fax:

305.358.3309

Correspondent e-mail: trademarks@feldmangale.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 03, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 03, 2015	NON-FINAL ACTION E-MAILED	6325
Nov. 03, 2015	NON-FINAL ACTION WRITTEN	81112
Nov. 02, 2015	ASSIGNED TO EXAMINER	81112
Aug. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 27, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HUSSAIN, TASNEEM

Law Office Assigned:

LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING
ATTORNEY ASSIGNED

Date in Location:

Nov. 03, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91223456](#)

Filing Date:

Aug 24, 2015

Status: Pending

Status Date:

BNB 000489

Aug 24, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name:

t & beer, inc

Correspondent Address:

GREGORY J WINSKY
ARCHER & GREINER PC
ONE CENTENNIAL SQUARE, PO BOX 3000
HADDONFIELD NJ UNITED STATES , 08033

Correspondent e-mail:

trademarks@archerlaw.com;t.simone@prodi

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALASHI SPIRITS	Opposition Pending	86566095	

Plaintiff(s)

Name:

Brouwerij Nacional Balashi NV

Correspondent Address:

SUSAN J LATHAM
FELDMAN GALE PA
2 SOUTH BISCAYNE BOULEVARD ONE BISCAYNE TOWER, 30TH FLOOR
MIAMI FL UNITED STATES , 33131

Correspondent e-mail:

trademarks@feldmangale.com;slatham@feldmangale.com;ifeldman@feldmangale.com;akessler@feldmangale.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALASHI PREMIUM BEER 11.27 FL OZ (333.3ML)	Non-Final Action - Mailed	86701463	
BALASHI PREMIUM BEER 20CT. BOTTLE VOLUME CONTENTS 22 CL 5.0% ALC/VOL	Non-Final Action - Mailed	86701470	
BALASHI PREMIUM BEER ARUBA'S BEER	Non-Final Action - Mailed	86701475	
	Non-Final Action - Mailed	86734984	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 24, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 24, 2015	Oct 03, 2015
3	PENDING, INSTITUTED	Aug 24, 2015	
4	ANSWER	Oct 02, 2015	

BNB 000490

BALASHI



BNB 000492

Trademark/Service Mark Application, Principal Register

Serial Number: 86734984

Filing Date: 08/24/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86734984
MARK INFORMATION	
*MARK	BALASHI
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BALASHI
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Brouwerij Nacional Balashi, N.V.
*STREET	Balashi #62 St. Cruz
*CITY	Santa Cruz
*COUNTRY	Aruba
LEGAL ENTITY INFORMATION	
TYPE	naamloze vennootschap (nv)
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Aruba
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL	032

BNB 000493

CLASS	
* IDENTIFICATION	Beer
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/1999
FIRST USE IN COMMERCE DATE	At least as early as 11/01/2004
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-5025064113-20150824135901642621_. Balashi_specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\867\349\86734984\xml1\RFA0003.JPG
SPECIMEN DESCRIPTION	A picture of the product as offered in commerce
ATTORNEY INFORMATION	
NAME	Susan J. Latham
ATTORNEY DOCKET NUMBER	1918 - Brouwerij Nacional
FIRM NAME	Feldman Gale, P.A.
INTERNAL ADDRESS	2 South Biscayne Boulevard
STREET	One Biscayne Tower, 30th Floor
CITY	Miami
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33131
PHONE	305.358.5001
FAX	305.358.3309
EMAIL ADDRESS	trademarks@feldmangale.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER	Ashley G. Kessler, Alejandro J. Fernandez, James A. Gale, Richard Guerra,

APPOINTED ATTORNEY	Jeffrey D. Feldman, Rafael A Perez-Pineiro, Arthur Robert Weaver, Mathew N. Horowitz and Samuel A. Lewis
CORRESPONDENCE INFORMATION	
NAME	Susan J. Latham
FIRM NAME	Feldman Gale, P.A.
INTERNAL ADDRESS	2 South Biscayne Boulevard
STREET	One Biscayne Tower, 30th Floor
CITY	Miami
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33131
PHONE	305.358.5001
FAX	305.358.3309
*EMAIL ADDRESS	trademarks@feldmangale.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/Susan J. Latham/
SIGNATORY'S NAME	Susan J. Latham
SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	305.358.5001

BNB 000495

DATE SIGNED	08/24/2015
--------------------	------------

Trademark/Service Mark Application, Principal Register

Serial Number: 86734984

Filing Date: 08/24/2015

To the Commissioner for Trademarks:

MARK: BALASHI (Standard Characters, see [mark](#))

The literal element of the mark consists of BALASHI.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Brouwerij Nacional Balashi, N.V., a naamloze vennootschap (nv) legally organized under the laws of Aruba, having an address of

Balashi #62 St. Cruz
Santa Cruz
Aruba

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 032: Beer

In International Class 032, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 01/01/1999, and first used in commerce at least as early as 11/01/2004, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) A picture of the product as offered in commerce.

Original PDF file:

[SPE0-5025064113-20150824135901642621 . Balashi specimen.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The applicant's current Attorney Information:

Susan J. Latham and Ashley G. Kessler, Alejandro J. Fernandez, James A. Gale, Richard Guerra, Jeffrey D. Feldman, Rafael A Perez-Pineiro, Arthur Robert Weaver, Mathew N. Horowitz and Samuel A. Lewis of Feldman Gale, P.A.

2 South Biscayne Boulevard
One Biscayne Tower, 30th Floor
Miami, Florida 33131
United States

BNB 000497

The attorney docket/reference number is 1918 - Brouwerij Nacional.

The applicant's current Correspondence Information:

Susan J. Latham

Feldman Gale, P.A.

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One Biscayne Tower, 30th Floor

Miami, Florida 33131

305.358.5001(phone)

305.358.3309(fax)

trademarks@feldmangale.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. ? 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. ? 1051(b), ? 1126(d), and/or ? 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. ? 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Susan J. Latham/ Date: 08/24/2015

Signatory's Name: Susan J. Latham

Signatory's Position: Attorney of record, Florida bar member

RAM Sale Number: 86734984

RAM Accounting Date: 08/25/2015

Serial Number: 86734984

Internet Transmission Date: Mon Aug 24 15:38:38 EDT 2015

TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2015082415383839

BNB 000498

9223-86734984-54082bacbccc0d6719305f58a0
eca169ff8c5faa771b573ca1b2a31bfcbfd9220-
DA-2613-20150824153304116829

BALASHI



BNB 000501

Opposer's Motion for Summary Judgment

EXHIBIT “C”

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Brouwerij Nacional Balashi N.V., (“Balashi” or “Opposer”), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 33, hereby propound the following Interrogatories to Opposer, t & beer, inc. (“t & beer” or “Applicant”):

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “Applicant,” “t & beer,” or “you,” shall mean t & beer, inc., its agents, affiliates, employees, licensees, partners, attorneys, and/or any other representative or entity acting on its behalf, at his direction, or under its control.
2. The terms “this dispute,” “this Opposition,” and/or “this action” shall refer to the dispute at issue in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board in Opposition proceeding no.; 91223456.
3. The term “Opposer’s Marks” shall mean the trademarks that are listed in Paragraphs 11 through 16 of Opposer’s Notice of Opposition in this dispute.
4. The term “advertisement” as used herein means each original promotional item, document or other material used in the advertising or promoting of Applicant’s goods, including

but not limited to any videos, television commercials, brochures, press releases, pamphlets, flyers, posters, labels, social media posts, electronic mail (“e-mail”), hyperlinks placed on third-party or affiliated websites, letters, newsletters, booklets, pitch books, scripts or notes for oral statements made in person or over the telephone, and/or advertisements triggered by key word searches on search engines.

5. The term “advertising efforts” as used herein means activities conducted to call attention to Applicant’s goods, including but not limited to marketing activities, promotional activities, social media campaigns, publication of advertisements, key word purchases on search engines, sponsored advertising on search engines, hyperlinks appearing on third-party or affiliated websites, electronic mail (“e-mail”) campaigns, and/or traditional print media campaigns.

6. “And” and “or”, as well as the term “and/or” shall each be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory any information that might otherwise be construed to be outside of its scope.

7. “Any” shall include “all”, and “all” shall include “any.”

8. “Commerce” shall mean and refer to all commerce that the U.S. Congress may lawfully regulate.

9. “Communication” shall mean the act or fact of exchanging information between or among more than one person, and shall include, without limitation, face-to-face meetings, interviews, conversations, telephone calls, letters, memoranda, electronic mail transmissions and hard copies thereof, facsimile transmissions, telegrams, telexes, computerized communications and data transfers of all kinds, voice mail messages, and all other means by which information,

data, language, or documents are transmitted, passed, or otherwise conveyed from one or more persons or entities to one or more other persons or entities.

10. “Document” is used herein in its customarily broad sense as established in Fed.R.Civ.P., Rule 34(a)(1), and shall mean all writings or recordings of any kind, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, including without limitation the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies, any attachments to such copies, or otherwise, and including, but not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, facsimiles, checks, invoices, worksheets, calendars, day-planners, instant messages, bulletins, studies, analyses, contracts, agreements, projections, estimates, statistical statements, workpapers, analytical records, reports and/or summaries, opinions or reports of consultants, opinions or reports of accountants or other industry experts, other reports, trade letters, research and development reports, press releases, diaries, articles, pamphlets, forecasts, drawings, instructions, minutes or other memorializations of meetings and conferences, records of intra-office or inter-office telephone calls and messages, charts, graphs, photographs, films, audio and video tapes, computer tapes, computer diskettes, data files, printouts, all other data compilations from which information can be obtained (translated, if necessary, by the responding party into usable form), together with any preliminary versions, drafts, annotated and otherwise non-identical copies of such documents. “Document” shall also include electronically stored information (“ESI”).

11. The term “Electronically Stored Information” or “ESI” is used herein to describe any information created, stored, or best utilized with electronic and/or computerized technology of any type, including but not limited to: data; word-processing documents; spreadsheets;

presentations; lectures; graphics; animations; images; e-mail and instant messages (including attachments); audio; video; audiovisual recordings; and voicemails, which are stored in a computer-readable format and/or either on or in some electronic device, including but not limited to a computer; computer network; computer system; server; electronic or computerized archive; back-up or disaster recovery system; disc; diskette; CD; DVD; hard drive; optical disk; removable drive, portable drive, thumb drive, tape, cartridge and/or other storage media; printer; the Internet; personal digital assistant; handheld wireless device; cellular telephone; pager; fax machine; and/or voicemail system.

12. The terms “Evidence” or “Evidencing” shall be construed, without limitation, to include proving, evincing, showing, attesting to, confirming, corroborating, documenting, substantiating, validating, authenticating, identifying, verifying, illustrating, or otherwise providing support for the truth or accuracy of a claim or matter.

13. The term “identify” when used in reference to any natural person means to state his or her full name, present or last known address, and his or her present or last known employment position and business affiliation. When used in reference to a person other than a natural person, “identify” means to state the type of entity it is, *e.g.* corporation, partnership, limited partnership, its name, and the present or last known address of its principal place of business.

14. The term “including” shall be construed as “including but not limited to.”

15. “Person” shall mean to any natural person, corporate or other business entity, partnership, group, association, governmental entity, or any other legal or *de facto* organization, together with their officers, directors, employees, partners, agents or other entities acting on their behalf.

16. The terms "refer to" or "referring to" shall be construed, without limitation, to include commenting upon, concerning, considering, describing, disclosing, discussing, explaining, identifying, memorializing, mentioning, pertaining to, reflecting, relating to, arising out of or in connection with, analyzing, comprising, constituting, containing, denying, evidencing, representing, setting forth, showing, studying, substantiating, supporting, summarizing, underlying, or having any logical, legal or factual connection with the subject matter, whether in whole or in part.

17. The term "USPTO" shall mean the United States Patent and Trademark Office.

18. The term "TTAB" shall mean the Trademark Trial and Appeals Board of the United States Patent and Trademark Office.

19. The term "TTB" shall mean the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

20. The use of any masculine pronoun herein shall include the feminine and the neuter. Similarly, the use of any feminine pronoun shall include the masculine and the neuter, and the use of any neuter pronoun shall include the masculine and the feminine.

21. The use of any singular construction shall include the plural, and the use of the plural shall include the singular.

INSTRUCTIONS

1. The following interrogatories require full and complete responses with regard to all information and knowledge within Applicant's possession, custody or control.

2. If Applicant knows of any information called for by an interrogatory, but cannot give the specific or complete information called for, Applicant shall so state, give the reasons for its inability to do so, give the best information that it can provide on the subject, and identify each person whom it believes has the required information.

3. If you object to answering all or a portion of any of the following interrogatories, please state all objections with specificity, and answer the interrogatory fully and completely to the extent it is not objectionable. Any objections not raised in your response will be considered waived. In the event you raise any privilege and/or work product objections, please respond to the extent you are able without disclosing privileged information.

4. If, in answering an interrogatory, Applicant reasonably perceives any ambiguity, Applicant shall set forth the matter reasonably deemed ambiguous and set forth the construction chosen or used in responding to the interrogatory.

5. If an interrogatory calls for information not known to Applicant, such interrogatory shall be deemed a request for Applicant's best estimate, opinion, understanding or reasonable belief as to the matter inquired about and a statement of how Applicant acquired or arrived at such estimate, opinion, understanding or reasonable belief.

6. Pursuant to Rule 33 of the Federal Rules of Civil Procedure, you are instructed to serve written responses upon the propounding party's counsel within thirty (30) days after service of these Interrogatories.

7. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these interrogatories shall be deemed continuing so as to require further and supplemental response by Applicant in the event Applicant or any person acting on its behalf, obtains or discovers additional information that may augment or otherwise modify its responses hereto, between the time of initial response and the time of the close of discovery, and Applicant must promptly furnish such additional information to Opposer.

8. Pursuant to Federal Rule of Civil Procedure 33(d), if the answer to a particular interrogatory can be derived or ascertained from your business records, and the burden of doing

so is substantially the same for the propounding party as it is for you, you may specify the records from which the answer can be derived or ascertained. Should you choose this alternative, you must specify the relevant records in sufficient detail to permit the propounding party to locate and identify, as easily as you would be able to do, the records from which the answer can be ascertained. You must also provide the propounding party with a reasonable opportunity to examine, audit or inspect such records and to make compilations, abstracts or summaries. Should you produce ESI in response to any Interrogatories pursuant to Rule 33(d), then you are requested to produce such ESI in a TIFF file format, and in a manner that delineates logical document boundaries and ensures that the production maintains any word searchability; provided, however, that any spreadsheets shall be produced in native file format.

9. For all information responsive to an Interrogatory, which is withheld on a claim of privilege, furnish a privilege log identifying the information or communication for which the privilege is claimed, including:

- a. the basis on which the privilege is claimed;
- b. the particular interrogatory to which such information relates.
- c. the identity of the author or communicator of the information;
- d. the date of the communication of the information;
- e. the place and address of the communication;
- f. the manner in which the communication was made;
- g. the subject matter of the communication;
- h. the identity of the persons to whom the information was directed;
- i. the identity of all other person who were present at the time of the communication or who received a copy of the information or communication;

- j. job titles of each of the foregoing persons;
- k. the identity of all documents relating to the communication, providing Bates or control numbers, if any;

The privilege log must contain sufficient detail to allow the propounding party and the Board to determine whether a privilege exists and the scope of any privilege.

10. If you assert a privilege pursuant to the work product doctrine in response, or in partial response, to an Interrogatory, in addition to the information requested in Instruction Number 9 above, specifically identify: (a) the person or attorney who prepared the work product; (b) each person who heard or received the communication; (c) the date upon which the work product was prepared; and, (d) the litigation for which the work product was prepared.

INTERROGATORIES

INTERROGATORY NO. 1:

List in chronological order (*specifying the day, month and year*) each act that Applicant has performed in preparation for offering any distilled spirits product in commerce under the applied-for trademark BALASHI SPIRITS.

RESPONSE:

INTERROGATORY NO. 2:

List in chronological order (*specifying the day, month and year*) each act that Applicant has performed in preparation for offering any alcoholic beverage product in commerce under any trademark containing the word “Balashi.”

RESPONSE:

INTERROGATORY NO. 3:

Identify all persons and/or entities with whom you have discussed your intent to use the BALASHI SPIRITS trademark in commerce in connection with distilled spirits.

RESPONSE:

INTERROGATORY NO. 4:

Identify all persons and/or entities with whom you have discussed your intent to use any trademark containing the word “Balashi” in commerce in connection with any alcoholic beverage.

RESPONSE:

INTERROGATORY NO. 5:

Describe in detail all distilled spirits products that you intend to offer in commerce in connection with the applied-for trademark BALASHI SPIRITS.

RESPONSE:

INTERROGATORY NO. 6:

State all reasons for your failure to use the BALASHI SPIRITS trademark in commerce in connection with distilled spirits between March 17, 2015 (*the date upon which you first applied to register the BALASHI SPIRITS mark*) and August 24, 2015 (*the date that this dispute commenced*).

RESPONSE:

INTERROGATORY NO. 7:

Identify each specific alcoholic beverage product that you have offered and/or are currently offering in commerce in connection with any trademark containing the word “Balashi”.

RESPONSE:

INTERROGATORY NO. 8:

For each specific product that you identified in response to Interrogatory No. 7 above, identify the person or entity who developed such product.

RESPONSE:

INTERROGATORY NO. 9:

For each of the specific products that you identified in response to Interrogatory No. 7 above, list in chronological order all activities you performed in preparation for offering such product in commerce.

RESPONSE:

INTERROGATORY NO. 10:

Describe all evidence that existed on or before March 17, 2015 which supports any representation that you made to the United States Patent and Trademark Office that you have a bona fide intent to use the trademark BALASHI SPIRITS in commerce in connection with distilled spirits.

RESPONSE:

INTERROGATORY NO. 11:

Describe all evidence that existed on or before September 26, 2014 which supports any representation that you made to the United States Patent and Trademark Office that you have a bona fide intent to use the trademark BALASHI in commerce in connection with distilled spirits.

RESPONSE:

INTERROGATORY NO. 12:

Identify each media outlet through which you have published, or caused to be published, an advertisement containing the word “Balashi.”

RESPONSE:

INTERROGATORY NO. 13:

To the extent that you know of any, describe with specificity all instances of actual confusion experienced by consumers relating to the existence of a relationship, sponsorship or affiliation between, *on the one hand*: Applicant, Applicant’s Marks, and/or the goods offered in connection with Applicant’s Marks; and, *on the other hand*, Opposer, Opposer’s Marks, and/or any goods offered by Opposer in connection with Opposer’s Marks.

RESPONSE:

INTERROGATORY NO. 14:

State whether you were aware of any alcoholic beverage products offered by Opposer prior to or on March 17, 2015 and, if you were aware of any such products, then specifically describe each such product and its packaging.

RESPONSE:

INTERROGATORY NO. 15:

Identify each individual who supplied any information that you referred to or otherwise used to prepare any of the interrogatory responses herein, and identify the specific interrogatory(ies) for which that person provided information.

RESPONSE:

VERIFICATION

I declare under penalty of perjury that the answers to the Interrogatories above are true and correct.

Executed on _____, 20__.

Signature: _____

Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me, a person authorized to take oaths and affirmation, this ____ day of _____, 20__, by _____, who is personally known to me or who produced _____ as identification, and who took an oath and swore that the foregoing was true and correct to the best of his/her knowledge.

Dated: December 2, 2015

Respectfully submitted,
Brouwerij Nacional Balashi N.V.

By: /Susan J. Latham/
Susan J. Latham
Attorney for Opposer

Opposer's Attorneys:

FELDMAN GALE, P.A.

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AKessler@FeldmanGale.com; Trademarks@FeldmanGale.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the parties' agreement to serve documents in this proceeding electronically, a true and complete copy of the foregoing document entitled: **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** has been served upon the Applicant on this 2nd day of December 2015, by transmitting a copy of same via electronic mail to:

Gregory J. Winsky, and Kerri E. Chewning
ARCHER & GREINER, P.C.
One Continental Square, P.O. Box 3000
Haddonfield, New Jersey 08033
E-mail: trademarks@archerlaw.com; kchewning@archerlaw.com
Telephone: 856-616-2610
Facsimile: 856-673-7140

As attorney of record for Application Serial No. 86/566,095 on behalf of:
t & beer, inc.
136 Willow Drive
Old Tappan, New Jersey 07675
E-mail: t.simone@prodigy.net

/Susan Latham/

Susan J. Latham
Attorney for Opposer

Opposer's Motion for Summary Judgment

EXHIBIT “Y”

No. 33375

**NETHERLANDS
(IN RESPECT OF ARUBA)
and
UNITED STATES OF AMERICA**

Agreement on preclearance (with annex). Signed at Washington on 2 December 1994

Authentic text: English.

Registered by the Netherlands on 21 November 1996.

**PAYS-BAS
(À L'ÉGARD D'ARUBA)
et
ÉTATS-UNIS D'AMÉRIQUE**

Accord relatif aux préinspections (avec annexe). Signé à Washington le 2 décembre 1994

Texte authentique : anglais.

Enregistré par les Pays-Bas le 21 novembre 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM
OF THE NETHERLANDS IN RESPECT OF ARUBA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA ON
PRECLEARANCE

The Government of the Kingdom of the Netherlands, in respect
of Aruba, and the Government of the United States of America
(hereinafter referred to as the Parties);

Considering that preclearance, the procedure of conducting
in Aruba inspection by United States inspection agencies
required for entry into the United States of passengers and crew
destined nonstop to the United States in flight of aircraft,
facilitates travel between the two countries; and

Considering that the laws of the two countries governing
merchandise or articles the entry of which is prohibited are
sufficiently similar to enable United States organizations to
carry out their missions, subject to provisions of facilities
adequate to enable them to use their resources efficiently and
to ensure proper security safeguards for passengers, aircraft
crew, baggage and aircraft stores entering the United States;

Agree as follows:

Article I

For the purpose of this Agreement, the implementing
authorities shall be:

- (a) for the Government of the United States of America:
United States inspection agencies, i.e. the United States

¹ Came into force provisionally on 1 January 1995, i.e., the thirtieth day after signature, and definitively on 4 March 1996, date determined by an exchange of notes, in accordance with article XIII.

Customs Service (USCS), the Immigration and Naturalization Service (INS), the Animal and Plant Health Inspection Service (APHIS), and the Public Health Service (PHS);
(b) for the Government of the Kingdom of the Netherlands: the Minister of Transport and Communications of Aruba or any authority nominated by the said Minister.

Article II

Any flight by an authorized scheduled or charter air carrier destined non-stop from Aruba to the United States shall be eligible for preclearance.

Article III

In accordance with United States immigration, customs and public health laws and regulations, U.S. inspection agencies may refuse passage onwards to the United States to any passenger or aircraft crew member on a flight subject to preclearance who refuses to comply with applicable laws and procedures. Except in circumstances arising under Article IV (g) of this agreement, no citizen of the United States or alien lawfully resident in the U.S. may be refused passage onwards to the United States.

Article IV

The Government of Aruba shall:

(a) Permit United States inspection officials to carry out preclearance of passengers, crew, baggage, aircraft and

aircraft stores on eligible flights and to determine procedures for carrying out inspections and utilization of their resources.

(b) Provide and maintain the facilities as set forth in the Annex to this Agreement.

(c) Permit the installation and operation of such communications and inspections aids and equipment as the United States inspection agencies require.

(d) Enable United States inspection officials to search any and all persons, baggage, aircraft and aircraft stores subject to preclearance in accordance with this Agreement. Such search may be conducted for:

- (i) merchandise or other articles, including monetary instruments, falsely declared or not declared;
- (ii) merchandise or other articles the entry of which into the United States is prohibited or restricted, including controlled substances;
- (iii) documents relevant to an individual's immigration status which are fraudulent or misused.

(e) Permit U.S. inspection officials to search any person entering or with direct nexus to the inspection facility, and any article or conveyance operating in or with a direct nexus to the inspection facility.

(f) Authorize Aruban law enforcement officers, upon the request of a United States inspection agency, to:

- (i) seize and confiscate articles or merchandise, and/or arrest the bearer of such articles or merchandise (and any alleged accomplices), if such articles or merchandise are falsely declared or not

declared at the time of preclearance and if possession or exportation of such articles or merchandise is prohibited under the laws of Aruba; or

(ii) if possession or exportation of such articles or merchandise falsely declared or not declared is not prohibited under the laws of Aruba, permit U.S.

inspectors to seize such articles or merchandise under United States law.

(g) Provide, upon request of a United States inspection agency, appropriate law enforcement assistance to prevent such person from boarding the aircraft when a passenger or aircraft crew member on a precleared flight is refused passage onwards because of refusal to answer questions of a United States inspection official relevant to his immigration status or refusal to cooperate or submit to search or is found or deemed by a United States inspection official to be inadmissible to the United States;

(h) Upon request of a United States inspection agency, provide appropriate medical assistance and, where necessary, access to medical isolation facilities for persons subject to preclearance who are suspected of having an infectious disease proscribed under United States public health laws and regulations.

Article V

The Government of the United States of America shall:

(a) Provide sufficient inspectors to carry out preclearance of passengers, crew, baggage, aircraft and aircraft stores

on eligible flights to which preclearance has been extended in accordance with Article VIII of this Agreement with reasonable speed and efficiency.

(b) Have the United States inspection agencies consult regularly with the competent authority of Aruba, with the competent airport authority and with the air carriers concerned on matters relating to the implementation of this Agreement.

(c) Conduct preclearance in accordance with this Agreement, except that

(i) a United States inspection agency may defer its inspection onward to the United States as it deems necessary for any individual passenger, aircraft crew member or aircraft;

(ii) preclearance may be denied in the case of any flight where there is likely to be commingling of passengers or aircraft crew who have and who have not been precleared;

(iii) post-clearance on arrival in the United States may be required instead of preclearance in Aruba if United States inspection agencies, after notification to the Aruban authorities and the air carriers concerned, determine that adequate resources are not available or that additional passengers will overtax the facilities; and

(iv) post-clearance on arrival in the United States may be required in addition to preclearance in Aruba to the extent necessary to meet law enforcement concerns.

Where post-clearance is required under subparagraphs (iii) and (iv) of this paragraph, flights will be selected for such post-clearance on a reasonable and fair basis, taking into account convenience to passengers and just treatment of the air carriers concerned.

(d) Have the United States inspection agencies advise the appropriate Aruban authorities of the refusal and supply all data appropriate and relevant to that decision when a person is refused passage onward to the United States in accordance with Article III or when a search or seizure is made under Article IV.

Article VI

(a) United States citizen employees of the Government of the United States of America, assigned to preclearance duties in Aruba under this Agreement, shall not be amenable to the jurisdiction of the judicial or administrative authorities in Aruba in respect of any acts performed by them in the exercise of their duties under this Agreement. Such employees and members of their families forming part of their households, except those who are permanent residents of Aruba, shall also be accorded such further privileges and immunities as are accorded to consular officers and members of their families under the Vienna Convention on Consular Relations.

(b) The Government of Aruba or the competent authority of Aruba shall take all appropriate steps to protect the facilities used by the preclearance officials for the purposes of carrying out preclearance against intrusion or damage and to protect the official archives and documents maintained at such facilities. Such official archives and documents shall enjoy the same inviolability as consular archives and documents under the Vienna Convention on Consular Relations.

Article VII

The United States may extend the application of any of its customs, immigration, agriculture and public health laws and regulations to aircraft, passengers, aircraft crew, baggage, cargo and aircraft stores in Aruba which are subject to preclearance, for the purpose of establishing and enforcing penalties for violations of these laws and regulations upon arrival in the United States.

Article VIII

The Parties agree that any air carrier should have the option to use either preclearance or post-clearance subject to the following conditions:

(a) If an air carrier applies for preclearance, it shall use the procedure for all of its flights on a given route.

Ordinarily, three months' notice to the appropriate inspection agencies will be sufficient; however, the inspection agencies may require a reasonable period before extending preclearance to such air carrier in order to obtain personnel or facilities required by the anticipated changes in service.

(b) An air carrier desiring to withdraw entirely from preclearance must give twelve months notice to both Parties, but, if neither Party objects, it may withdraw sooner. An air carrier desiring to withdraw from preclearance only in respect to certain eligible flights must give three months notice, but, if neither Party objects, it may withdraw sooner.

(c) The United States inspection agencies may decline to conduct preclearance in respect of any air carrier until the carrier:

- (i) has taken the necessary steps to enable it to deny carriage onwards to the United States to anyone found ineligible, in accordance with Article III, to travel on a precleared flight; and

- (ii) has undertaken to be responsible for the removal of any such person to his point of embarkation or the country of which he is a national and to bear any costs (including where necessary accommodation and maintenance costs) arising therefrom.

Article IX

The cost of preclearance shall be borne as follows:

- (a) The Government of the United States of America shall, pursuant to standard United States regulations governing preclearance/preinspection, be responsible for the personnel and operations costs of preclearance;
- (b) In accordance with the provisions of Article VIII (c) (ii) of this Agreement, for any person refused passage onward by a United States federal inspection agency the air carrier concerned shall be responsible for any costs, including, where necessary, accommodation and maintenance costs, arising from the removal to the person's point of embarkation, or to the country of which he is a national;
- (c) The provision of the necessary preclearance facilities shall be the responsibility of the competent airport authority, but such costs may be recouped from the air carriers using preclearance;
- (d) Any charges related to preclearance levied upon participating air carriers shall be assessed in a fair and reasonable manner.

Article X

Either Government may at any time request consultations concerning the interpretation, application or amendment of this Agreement, including the facilities annex and attachments. Such consultations shall begin within 60 days from the date the other Government receives the request.

Article XI

As far as the Kingdom of the Netherlands is concerned, this Agreement shall be applicable only to Aruba.

Article XII

The provisions of this Agreement shall be implemented in accordance with applicable laws of the United States and Aruba.

Article XIII

The terms of this Agreement shall be applied provisionally as from the thirtieth day after signature and shall enter into force on the date to be determined in an exchange of diplomatic notes, indicating that all necessary internal procedures for entry into force of the Agreement have been completed by both Parties. The Agreement shall continue in force unless it is terminated by either Party giving twelve months written notice thereof to the other Party. Such notice may, however, be withdrawn before the end of the twelve month period by agreement between the two Parties.

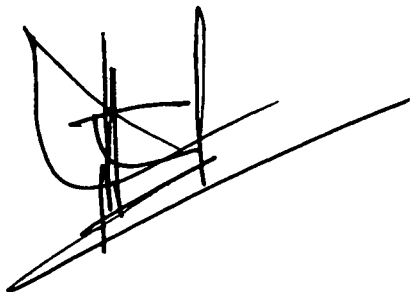
The Parties shall suspend operation of the Agreement on Preinspection between the United States and the Kingdom of the Netherlands in respect of Aruba, signed Oranjestad, Aruba, June 16, 1987,¹ for the period when this present Agreement is in force or is being provisionally applied.

¹ United Nations, *Treaty Series*, vol. 1520, No. 26353.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

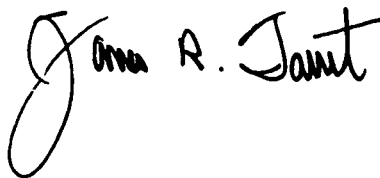
DONE AT WASHINGTON, in duplicate, on this 2nd day of December, 1994.

For the Government
of the Kingdom of the Netherlands:

A stylized, handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

1

For the Government
of the United States of America:

A handwritten signature in black ink, featuring a large, stylized 'J' followed by the letters 'ama R. Tarrant' in a cursive script.

2

¹ G. F. Croes.

² James R. Tarrant.

FACILITIES ANNEX

The Minister of Transport and Communications of Aruba or his designee shall provide United States Federal Inspection Services (FIS) inspection facilities and inspectional configurations as published in the 1992 edition of "Guidelines for Federal Inspection Facilities at Airports" (Appendix A-SK #2-Preclearance FIS Facility). Preclearance inspectional services will commence upon the operationally acceptable completion of all facility modifications, as required by previously negotiated specifications and agreements.

Prior to commencement of preclearance operations, the Minister of Transport and Communications of Aruba or his designee shall:

- (a) Provide for such passenger comforts as a central climatic control device that includes air conditioning.
- (b) Provide suitable seating accommodations in the sterile hold room that will be conducive to passenger comforts.
- (c) Provide for adequate janitorial services in the preclearance area, as well as perform any necessary repairs or maintenance.
- (d) Provide hooded baggage conveyor systems that will insure adequate security as directed by the United States Secretary of the Treasury for the transport of the precleared baggage to a segregated baggage make-up area.
- (e) Provide baggage make-up areas that will be secured with nine gauge chain link fence 8 feet high, topped with 3 strands of wire. The gates used to secure these enclosures shall be equipped with adequate locking mechanisms.

(f) Ensure that preclearance air passengers are not allowed to commingle with other arriving or departing passengers.

(g) Provide shower facilities with hot and cold running water, adequate office space for inspectors, storage space and adequate secure contiguous parking.

(h) During the hours of operations, ensure that a "Law Enforcement Officer is physically present in the preclearance facility.

Code of Federal Regulations
Title 19. Customs Duties
Chapter I. U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Refs & Annos)
Part 101. General Provisions (Refs & Annos)

19 C.F.R. § 101.5

§ 101.5 CBP preclearance offices in foreign countries.

Effective: August 8, 2014

Currentness

Listed below are the preclearance offices in foreign countries where CBP Officers are located. A Director, Preclearance, located in the Office of Field Operations at CBP Headquarters, is the responsible CBP Officer exercising supervisory control over all preclearance offices.

Country	CBP office
Aruba	Oranjestad.
The Bahamas	Freeport. Nassau.
Bermuda	Kindley Field.
Canada	Calgary, Alberta. Edmonton, Alberta. Halifax, Nova Scotia. Montreal, Quebec. Ottawa, Ontario. Toronto, Ontario.

Vancouver, British Columbia.

Winnipeg, Manitoba.

Ireland

Dublin.

Shannon.

United Arab Emirates

Abu Dhabi.

Credits

[T.D. 78–275, 43 FR 36056, Aug. 15, 1978; T.D. 81–73, 46 FR 20538, April 6, 1981; 49 FR 28699, July 16, 1984; 52 FR 16374, May 5, 1987; 52 FR 18322, May 14, 1987; T.D. 95–78, 60 FR 50027, Sept. 27, 1995; T.D. 99–27, 64 FR 13674, March 22, 1999; T.D. 01–81, 66 FR 56431, Nov. 8, 2001; CBP Dec. 09–45, 74 FR 64601, Dec. 8, 2009; CBP Dec. 11–08, 76 FR 22805, April 25, 2011; CBP Dec. 14–09, 79 FR 46349, Aug. 8, 2014]

SOURCE: T.D. 77–241, 42 FR 54936, Oct. 12, 1977; 53 FR 51255, Dec. 21, 1988; 54 FR 6882, Feb. 15, 1989; 54 FR 31012, July 26, 1989; 55 FR 40166, Oct. 2, 1990; 56 FR 24684, May 31, 1991; 58 FR 41634, Aug. 5, 1993; 58 FR 49923, Sept. 24, 1993; T.D. 94–51, 59 FR 30293, June 13, 1994; T.D. 95–21, 60 FR 14214, March 16, 1995; T.D. 95–29, 60 FR 18348, April 11, 1995; T.D. 95–31, 60 FR 18990, April 14, 1995; T.D. 95–77, 60 FR 50011, Sept. 27, 1995; T.D. 98–22, 63 FR 11825, March 11, 1998; T.D. 99–27, 64 FR 13674, March 22, 1999; T.D. 00–81, 65 FR 68887, Nov. 15, 2000; T.D. 01–81, 66 FR 56431, Nov. 8, 2001; T.D. 02–14, 67 FR 15098, March 29, 2002; 68 FR 51869, Aug. 28, 2003; CBP Dec. 05–31, 70 FR 53062, Sept. 7, 2005; CBP Dec. 06–15, 71 FR 33236, June 8, 2006; CBP Dec. 05–38, 71 FR 2458, Jan. 17, 2006; 75 FR 12445, March 16, 2010; CBP Dec. 12–23, 77 FR 76352, Dec. 28, 2012; CBP Dec. 13–13, 78 FR 54756, Sept. 6, 2013; CBP Dec. 15–15, 80 FR 70162, Nov. 13, 2015, unless otherwise noted.

AUTHORITY: 5 U.S.C. 301; 6 U.S.C. 101, et. seq.; 19 U.S.C. 2, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.; Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b.; Section 101.5 also issued under 19 U.S.C. 1629.; Section 101.9 also issued under 19 U.S.C. 1411–1414.

Current through Dec. 31, 2015; 80 FR 82035.

End of Document

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Code of Federal Regulations
Title 19. Customs Duties
Chapter I. U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Refs & Annos)
Part 101. General Provisions (Refs & Annos)

19 C.F.R. § 101.1

§ 101.1 Definitions.

Effective: December 14, 2015

Currentness

As used in this chapter, the following terms shall have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular part or portion thereof:

Business day. A “business day” means a weekday (Monday through Friday), excluding national holidays as specified in § 101.6(a).

CBP. The term “CBP” means U.S. Customs and Border Protection.

Commissioner or Commissioner of Customs. The terms “Commissioner” or “Commissioner of Customs” mean Commissioner of U.S. Customs and Border Protection.

Customs or U.S. Customs Service. The terms “Customs” or “U.S. Customs Service” mean U.S. Customs and Border Protection.

Customs regulations or CBP regulations. The terms “Customs regulations” or “CBP regulations” mean Chapter 1 of title 19 of the Code of Federal Regulations (19 CFR Chapter 1).

Customs station. A “Customs station” is any place, other than a port of entry, at which Customs officers or employees are stationed, under the authority contained in article IX of the President’s Message of March 3, 1913 (T.D. 33249), to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the Customs and navigation laws of the United States.

Customs territory of the United States. “Customs territory of the United States” includes only the States, the District of Columbia, and Puerto Rico.

Date of entry. The “date of entry” or “time of entry” of imported merchandise shall be the effective time of entry of such merchandise, as defined in § 141.68 of this chapter.

Date of exportation. “Date of exportation” or “time of exportation” shall be as defined in § 152.1(c) of this chapter.

Date of importation. “Date of importation” means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, “date of importation” means the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade such merchandise.

Duties. “Duties” means Customs duties and any internal revenue taxes which attach upon importation.

Entry or withdrawal for consumption. “Entry or withdrawal for consumption” means entry for consumption or withdrawal from warehouse for consumption.

Exportation. “Exportation” means a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

Importer. “Importer” means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be:

- (1) The consignee, or
- (2) The importer of record, or
- (3) The actual owner of the merchandise, if an actual owner’s declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or
- (4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of part 144 of this chapter.

Port and port of entry. The terms “port” and “port of entry” refer to any place designated by Executive Order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a Customs officer is authorized to accept entries of merchandise to collect duties, and to enforce the various provisions of the Customs and navigation laws. The terms “port” and “port of entry” incorporate the geographical area under the jurisdiction of a port director. (The Customs ports in the Virgin Islands, although under the jurisdiction of the Secretary of the Treasury, have their own Customs laws (48 U.S.C. 1406(i)). These ports, therefore, are outside the Customs territory of the United States and the ports thereof are not “ports of entry” within the meaning of these regulations).

Principal field officer. A “principal field officer” is an officer in the field service whose immediate supervisor is located at Customs Service Headquarters.

Service port. The term “service port” refers to a Customs location having a full range of cargo processing functions, including inspections, entry, collections, and verification.

Shipment. “Shipment” means the merchandise described on the bill of lading or other document used to file or support entry, or in the oral declaration when applicable.

Credits

[49 FR 41170, Oct. 19, 1984; 49 FR 44867, Nov. 9, 1984; T.D. 94–51, 59 FR 30294, June 13, 1994; T.D. 94–61, 59 FR 38548, July 28, 1994; T.D. 94–71, 59 FR 43283, Aug. 23, 1994; T.D. 95–31, 60 FR 18990, April 14, 1995; T.D. 95–77, 60 FR 50011, Sept. 27, 1995; T.D. 99–27, 64 FR 13674, March 22, 1999; T.D. 99–57, 64 FR 40987, July 28, 1999; CBP Dec. 15–15, 80 FR 70162, Nov. 13, 2015]

SOURCE: T.D. 77–241, 42 FR 54936, Oct. 12, 1977; 53 FR 51255, Dec. 21, 1988; 54 FR 6882, Feb. 15, 1989; 54 FR 31012, July 26, 1989; 55 FR 40166, Oct. 2, 1990; 56 FR 24684, May 31, 1991; 58 FR 41634, Aug. 5, 1993; 58 FR 49923, Sept. 24, 1993; T.D. 94–51, 59 FR 30293, June 13, 1994; T.D. 95–21, 60 FR 14214, March 16, 1995; T.D. 95–29, 60 FR 18348, April 11, 1995; T.D. 95–31, 60 FR 18990, April 14, 1995; T.D. 95–77, 60 FR 50011, Sept. 27, 1995; T.D. 98–22, 63 FR 11825, March 11, 1998; T.D. 99–27, 64 FR 13674, March 22, 1999; T.D. 00–81, 65 FR 68887, Nov. 15, 2000; T.D. 01–81, 66 FR 56431, Nov. 8, 2001; T.D. 02–14, 67 FR 15098, March 29, 2002; 68 FR 51869, Aug. 28, 2003; CBP Dec. 05–31, 70 FR 53062, Sept. 7, 2005; CBP Dec. 06–15, 71 FR 33236, June 8, 2006; CBP Dec. 05–38, 71 FR 2458, Jan. 17, 2006; 75 FR 12445, March 16, 2010; CBP Dec. 12–23, 77 FR 76352, Dec. 28, 2012; CBP Dec. 13–13, 78 FR 54756, Sept. 6, 2013; CBP Dec. 15–15, 80 FR 70162, Nov. 13, 2015, unless otherwise noted.

AUTHORITY: 5 U.S.C. 301; 6 U.S.C. 101, et. seq.; 19 U.S.C. 2, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.; Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;; Section 101.5 also issued under 19 U.S.C. 1629.; Section 101.9 also issued under 19 U.S.C. 1411–1414.

Notes of Decisions (13)

Current through Dec. 31, 2015; 80 FR 82035.

End of Document

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Code of Federal Regulations
Title 19. Customs Duties
Chapter I. U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Refs & Annos)
Part 148. Personal Declarations and Exemptions (Refs & Annos)
Subpart D. Exemptions for Returning Residents

19 C.F.R. § 148.33

§ 148.33 Articles acquired abroad.

Effective: September 25, 2009

Currentness

(a) Exemption. Each returning resident is entitled to bring in free of duty and internal revenue tax under subheadings 9804.00.65, 9804.00.70 and 9804.00.72, and Chapter 98, U.S. Note 3, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), articles for his personal or household use which were purchased or otherwise acquired abroad merely as an incident of the foreign journey from which he is returning, subject to the limitations and conditions set forth in this section and §§ 148.34–148.38. The aggregate fair retail value in the country of acquisition of such articles for personal and household use must not exceed:

(1) \$800, and provided that the articles accompany the returning resident;

(2) \$800 in the case of a direct arrival from a beneficiary country, as defined in U.S. Note 4 to Chapter 98, Harmonized Tariff Schedule of the United States, whether or not the articles accompany the returning resident. Articles acquired elsewhere than in such beneficiary country that do not accompany the returning resident are not entitled to the duty exemption; or

(3) \$1,600 in the case of a direct or indirect arrival from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, whether or not the articles accompany the returning resident, not more than \$800 of which may have been acquired elsewhere than in such locations. Articles acquired elsewhere than in such insular possessions that do not accompany the returning resident are not entitled to the duty exemption.

(b) Application to articles of highest rate of duty. The \$800 or \$1,600 exemption will be applied to the aggregate fair retail value in the country of acquisition of the articles acquired abroad which are subject to the highest rates of duty. If an internal revenue tax is applicable, it will be combined with the duty in determining which rates are highest.

(c) Gifts. An article acquired abroad by a returning resident and imported by him to be disposed of after importation as his bona fide gift is considered to be for the personal use of the returning resident and may be included in the exemption.

(d) Tobacco products and alcoholic beverages. Cigars, cigarettes, manufactured tobacco, and alcoholic beverages may be included in the exemption to which a returning resident is entitled, with the following limits:

(1) No more than 200 cigarettes and 100 cigars may be included, except that in the case of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and the Virgin Islands of the United States the cigarette limit is 1,000, not more than 200 of which shall have been acquired elsewhere than in such locations;

(2) No alcoholic beverages will be included in the case of an individual who has not attained the age of 21; and

(3) No more than 1 liter of alcoholic beverages may be included, except that:

(i) An individual returning directly or indirectly from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands or the Virgin Islands of the United States may include in the exemption not more than 5 liters of alcoholic beverages, not more than 1 liter of which was acquired elsewhere than in such locations and not more than 4 liters of which were produced elsewhere than in such locations; and

(ii) An individual returning directly from a beneficiary country as defined in U.S. Note 4 to Chapter 98, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) may include in the exemption not more than 2 liters of alcoholic beverages if at least 1 liter is the product of one or more beneficiary countries.

(e) Exemption not applicable. The exemption does not apply to articles intended for sale or acquired on commission, i.e., for the account of another person, with or without compensation for the service rendered. Articles acquired on one journey and left in a foreign country cannot be allowed the exemption accruing upon the return of the resident from a subsequent journey.

(f) Remainder not applicable to subsequent journey. A returning resident who has received a total exemption of less than the \$800 or \$1,600 maximum in connection with his return from one journey is not entitled to apply the unused portion of that maximum amount to articles acquired abroad on a subsequent journey.

Credits

[T.D. 73–27, 38 FR 2449, Jan. 26, 1973, as amended by T.D. 78–394, 43 FR 49788, Oct. 25, 1978; T.D. 80–179, 45 FR 45580, July 7, 1980; 51 FR 22516, June 20, 1986; 53 FR 51264, Dec. 21, 1988; 55 FR 40166, Oct. 2, 1990; T.D. 97–75, 62 FR 46441, Sept. 3, 1997; CBP Dec. 09–37, 74 FR 48854, Sept. 25, 2009]

SOURCE: T.D. 73–27, 38 FR 2449, Jan. 26, 1973; 50 FR 29955, July 23, 1985; 53 FR 51263, Dec. 21, 1988; 54 FR 6882, Feb. 15, 1989; 55 FR 40166, Oct. 2, 1990; 58 FR 35863, July 2, 1993; 58 FR 44130, Aug. 19, 1993; T.D. 94–51, 59 FR

30296, June 13, 1994; T.D. 95–29, 60 FR 18349, April 11, 1995; T.D. 95–31, 60 FR 18990, April 14, 1995; T.D. 95–86, 60 FR 54188, Oct. 20, 1995; T.D. 96–13, 61 FR 3570, Feb. 1, 1996; T.D. 00–81, 65 FR 68887, Nov. 15, 2000; T.D. 02–14, 67 FR 15099, March 29, 2002; 68 FR 51869, Aug. 28, 2003; CBP Dec. 05–31, 70 FR 53062, Sept. 7, 2005; 75 FR 12445, March 16, 2010; CBP Dec. 12–19, 77 FR 72721, Dec. 6, 2012, unless otherwise noted.

AUTHORITY: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States).; Section 148.21 also issued under 19 U.S.C. 1461, 1462;; Section 148.22 also issued under 19 U.S.C. 1629;; Sections 148.43, 148.51, 148.63, 148.64 and 148.74 also issued under 19 U.S.C. 1321;; Section 148.87 also issued under 22 U.S.C. 288.

Current through Dec. 31, 2015; 80 FR 82035.

End of Document

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Code of Federal Regulations
Title 19. Customs Duties
Chapter I. U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Refs & Annos)
Part 148. Personal Declarations and Exemptions (Refs & Annos)
Subpart E. Exemptions for Nonresidents

19 C.F.R. § 148.43

§ 148.43 Tobacco products and alcoholic beverages.

Currentness

(a) For personal use. Fifty cigars, or 200 cigarettes, or 2 kilograms of smoking tobacco, and not exceeding 1 liter of alcoholic beverages may be passed free of duty and internal revenue tax under subheading 9804.00.25 and Chapter 98, U.S. Note 3, Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202), when brought in by an adult nonresident for his personal use, and not for commercial use or to be given to another person. This exemption for tobacco products may be applied proportionately. The exemption may be applied to more than one kind of alcoholic beverages but not to an aggregate volume of more than 1 liter for one adult nonresident.

(b) For gifts. A nonresident who is allowed the \$100 gift exemption (see § 148.44) may include not more than 100 cigars under such exemption from duty and internal revenue tax, provided the cigars accompany him and are to be disposed of only as bona fide gifts.

Credits

[T.D. 73–27, 38 FR 2449, Jan. 26, 1973, as amended by T.D. 78–394, 43 FR 49789, Oct. 25, 1978; T.D. 80–19, 45 FR 45580, July 7, 1980; 53 FR 51265, Dec. 21, 1988; 55 FR 40166, Oct. 2, 1990]

SOURCE: T.D. 73–27, 38 FR 2449, Jan. 26, 1973; 50 FR 29955, July 23, 1985; 53 FR 51263, Dec. 21, 1988; 54 FR 6882, Feb. 15, 1989; 55 FR 40166, Oct. 2, 1990; 58 FR 35863, July 2, 1993; 58 FR 44130, Aug. 19, 1993; T.D. 94–51, 59 FR 30296, June 13, 1994; T.D. 95–29, 60 FR 18349, April 11, 1995; T.D. 95–31, 60 FR 18990, April 14, 1995; T.D. 95–86, 60 FR 54188, Oct. 20, 1995; T.D. 96–13, 61 FR 3570, Feb. 1, 1996; T.D. 00–81, 65 FR 68887, Nov. 15, 2000; T.D. 02–14, 67 FR 15099, March 29, 2002; 68 FR 51869, Aug. 28, 2003; CBP Dec. 05–31, 70 FR 53062, Sept. 7, 2005; 75 FR 12445, March 16, 2010; CBP Dec. 12–19, 77 FR 72721, Dec. 6, 2012, unless otherwise noted.

AUTHORITY: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States).; Section 148.21 also issued under 19 U.S.C. 1461, 1462;; Section 148.22 also issued under 19 U.S.C. 1629;; Sections 148.43, 148.51, 148.63, 148.64 and 148.74 also issued under 19 U.S.C. 1321;; Section 148.87 also issued under 22 U.S.C. 288.

Current through Dec. 31, 2015; 80 FR 82035.

End of Document

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Opposer's Motion for Summary Judgment

EXHIBIT “F”

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Brouwerij Nacional Balashi N.V.

Opposer,

v.

t & beer, inc.,

Applicant.

Opposition No. 91223456

Mark: BALASHI SPIRITS

Serial No.: 86/566,095

**OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND
THINGS TO APPLICANT**

Brouwerij Nacional Balashi N.V., (“Balashi” or “Opposer”), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 33, hereby propound the following Interrogatories to Opposer, t & beer, inc. (“t & beer” or “Applicant”):

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term “Applicant,” “t & beer,” or “you,” shall mean t & beer, inc., its agents, affiliates, employees, licensees, partners, attorneys, and/or any other representative or entity acting on its behalf, at his direction, or under its control.
2. The terms “this dispute,” “this Opposition,” and/or “this action” shall refer to the dispute at issue in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board in Opposition proceeding no.; 91223456.
3. The term “Opposer’s Marks” shall mean the trademarks that are listed in Paragraphs 11 through 16 of Opposer’s Notice of Opposition in this dispute.

4. The term “advertisement” as used herein means each original promotional item, document or other material used in the advertising or promoting of Applicant’s goods, including but not limited to any videos, television commercials, brochures, press releases, pamphlets, flyers, posters, labels, social media posts, electronic mail (“e-mail”), hyperlinks placed on third-party or affiliated websites, letters, newsletters, booklets, pitch books, scripts or notes for oral statements made in person or over the telephone, and/or advertisements triggered by key word searches on search engines.

5. The term “advertising efforts” as used herein means activities conducted to call attention to Applicant’s goods, including but not limited to marketing activities, promotional activities, social media campaigns, publication of advertisements, key word purchases on search engines, sponsored advertising on search engines, hyperlinks appearing on third-party or affiliated websites, electronic mail (“e-mail”) campaigns, and/or traditional print media campaigns.

6. “And” and “or”, as well as the term “and/or” shall each be construed either disjunctively or conjunctively as necessary to bring within the scope of the interrogatory any information that might otherwise be construed to be outside of its scope.

7. “Any” shall include “all”, and “all” shall include “any.”

8. “Commerce” shall mean and refer to all commerce that the U.S. Congress may lawfully regulate.

9. “Communication” shall mean the act or fact of exchanging information between or among more than one person, and shall include, without limitation, face-to-face meetings, interviews, conversations, telephone calls, letters, memoranda, electronic mail transmissions and hard copies thereof, facsimile transmissions, telegrams, telexes, computerized communications

and data transfers of all kinds, voice mail messages, and all other means by which information, data, language, or documents are transmitted, passed, or otherwise conveyed from one or more persons or entities to one or more other persons or entities.

10. “Document” is used herein in its customarily broad sense as established in Fed.R.Civ.P., Rule 34(a)(1), and shall mean all writings or recordings of any kind, whether comprised of letters, words, numbers, pictures, sounds, or symbols, or any combination thereof, including without limitation the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies, any attachments to such copies, or otherwise, and including, but not limited to, correspondence, memoranda, notes, records, letters, envelopes, telegrams, facsimiles, checks, invoices, worksheets, calendars, day-planners, instant messages, bulletins, studies, analyses, contracts, agreements, projections, estimates, statistical statements, workpapers, analytical records, reports and/or summaries, opinions or reports of consultants, opinions or reports of accountants or other industry experts, other reports, trade letters, research and development reports, press releases, diaries, articles, pamphlets, forecasts, drawings, instructions, minutes or other memorializations of meetings and conferences, records of intra-office or inter-office telephone calls and messages, charts, graphs, photographs, films, audio and video tapes, computer tapes, computer diskettes, data files, printouts, all other data compilations from which information can be obtained (translated, if necessary, by the responding party into usable form), together with any preliminary versions, drafts, annotated and otherwise non-identical copies of such documents. “Document” shall also include electronically stored information (“ESI”).

11. The term “Electronically Stored Information” or “ESI” is used herein to describe any information created, stored, or best utilized with electronic and/or computerized technology

of any type, including but not limited to: data; word-processing documents; spreadsheets; presentations; lectures; graphics; animations; images; e-mail and instant messages (including attachments); audio; video; audiovisual recordings; and voicemails, which are stored in a computer-readable format and/or either on or in some electronic device, including but not limited to a computer; computer network; computer system; server; electronic or computerized archive; back-up or disaster recovery system; disc; diskette; CD; DVD; hard drive; optical disk; removable drive, portable drive, thumb drive, tape, cartridge and/or other storage media; printer; the Internet; personal digital assistant; handheld wireless device; cellular telephone; pager; fax machine; and/or voicemail system.

12. The terms “Evidence” or “Evidencing” shall be construed, without limitation, to include proving, evincing, showing, attesting to, confirming, corroborating, documenting, substantiating, validating, authenticating, identifying, verifying, illustrating, or otherwise providing support for the truth or accuracy of a claim or matter.

13. The term “identify” when used in reference to any natural person means to state his or her full name, present or last known address, and his or her present or last known employment position and business affiliation. When used in reference to a person other than a natural person, “identify” means to state the type of entity it is, *e.g.* corporation, partnership, limited partnership, its name, and the present or last known address of its principal place of business.

14. The term “including” shall be construed as “including but not limited to.”

15. “Person” shall mean to any natural person, corporate or other business entity, partnership, group, association, governmental entity, or any other legal or *de facto* organization,

together with their officers, directors, employees, partners, agents or other entities acting on their behalf.

16. The terms "refer to" or "referring to" shall be construed, without limitation, to include commenting upon, concerning, considering, describing, disclosing, discussing, explaining, identifying, memorializing, mentioning, pertaining to, reflecting, relating to, arising out of or in connection with, analyzing, comprising, constituting, containing, denying, evidencing, representing, setting forth, showing, studying, substantiating, supporting, summarizing, underlying, or having any logical, legal or factual connection with the subject matter, whether in whole or in part.

17. The term "USPTO" shall mean the United States Patent and Trademark Office.

18. The term "TTAB" shall mean the Trademark Trial and Appeals Board of the United States Patent and Trademark Office.

19. The term "TTB" shall mean the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

20. The use of any masculine pronoun herein shall include the feminine and the neuter. Similarly, the use of any feminine pronoun shall include the masculine and the neuter, and the use of any neuter pronoun shall include the masculine and the feminine.

21. The use of any singular construction shall include the plural, and the use of the plural shall include the singular.

INSTRUCTIONS

1. For every document withheld on a claim of privilege, furnish a privilege log identifying each document for which the privilege is claimed, together with the following information: date, author, recipient, persons to whom copies were furnished, job titles of each of these persons, subject matter of the documents, the basis on which the privilege is claimed, the

paragraph or paragraphs of this Request to which the documents respond, and whether any non-privileged matter is discussed in this document. The privilege log must contain sufficient detail to allow Defendants and the Board to determine whether a privilege exists and the extent of coverage of any privilege.

2. If you assert a privilege pursuant to the work product doctrine in response or in partial response to a Request, in addition to the information requested in Instruction Number 1 above, specifically identify: (a) the person or attorney who prepared the work product; (b) each person who heard or received the communication; (c) the date upon which the work product was prepared; and, (d) the litigation for which the work product was prepared.

3. If copies or drafts exist of any document requested to be produced, produce and submit for inspection and copying each and every copy and/or draft that differs in any way from the original document or from any other copy or draft.

4. If any document was, but is no longer in your possession or subject to your control or in existence, state whether:

- a. It is missing or lost;
- b. It has been destroyed;
- c. It has been transferred, voluntarily or involuntarily, to another; or
- d. It has been disposed of otherwise.

5. In each instance listed in number 4 above, explain the circumstances surrounding such disposition and identify the person or person directing or authorizing the same and the date or dates thereof. Identify each document by listing its author and his/her address, the type of document, date, subject matter, present location and custodian, and whether the document or copies are still in existence.

6. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, you are instructed to serve responses upon Propounding Party's counsel within thirty (30) days after service of these Requests.

7. If, in responding to any of the following requests, Applicant reasonably perceives any ambiguity, Applicant shall set forth the matter reasonably deemed ambiguous and set forth the construction chosen or used in responding to the request.

8. Produce all ESI responsive to these requests a TIFF file format, and in a manner that delineates logical document boundaries and ensures that the production maintains any word searchability; provided, however, that any spreadsheets shall be produced in native file format.

9. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these requests shall be deemed continuing so as to require further and supplemental response by Applicant in the event Applicant or any person acting on its behalf, obtains or discovers additional documents or information that may augment or otherwise modify its responses hereto, between the time of initial response and the time of the close of discovery, and Applicant must promptly furnish such additional documents or information to Opposer.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All communications from any consumer(s) that contain the word "Balashi."

REQUEST NO. 2:

A sample of each advertisement published prior to or on March 17, 2015 that contains the word "Balashi".

REQUEST NO. 3:

All documents in existence prior to or on March 17, 2015 that refer to Opposer.

REQUEST NO. 4:

All documents in existence prior to or on March 17, 2015 that refer to Opposer's Marks.

REQUEST NO. 5:

All documents in existence prior to or on March 17, 2015 evidencing your advertising efforts for any alcoholic beverage product offered to consumers in connection with a trademark that contains the word "Balashi."

REQUEST NO. 6:

All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the United States government, including but not limited to the TTB, which contain the word "Balashi."

REQUEST NO. 7:

All communications prior to or on March 17, 2015 between you and the TTB that relate to any application for approval of a label containing the word "Balashi."

REQUEST NO. 8:

All plans in existence prior to or on March 17, 2015 evidencing your intent to offer distilled spirits under the BALASHI SPIRITS trademark.

REQUEST NO. 9:

All plans in existence prior to or on March 17, 2015 evidencing your intent to offer any alcoholic beverage product under the BALASHI SPIRITS trademark.

REQUEST NO. 10:

A sample of each package in existence prior to or on March 17, 2015, including but not limited to labels and bottles, which contains the word “Balashi.”

REQUEST NO. 11:

All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the State of New York’s government, which contain the word “Balashi.”

REQUEST NO. 12:

All applications made prior to or on March 17, 2015 to any department, agency, or bureau of the State of New Jersey’s government, which contain the word “Balashi.”

REQUEST NO. 13:

All e-mail sent or received by Thomas Simone that contains the word “Balashi.”

REQUEST NO. 14:

All e-mail sent or received by Geraldine Simone that contains the word “Balashi.”

REQUEST NO. 15:

All e-mail sent or received by Fermin Perez that contains the word “Balashi.”

REQUEST NO. 16:

All e-mail sent or received by John Jablonski that contains the word “Balashi.”

REQUEST NO. 17:

All e-mail sent or received by Jim Adubato that contains the word “Balashi.”

REQUEST NO. 18:

All e-mail from any employee of the Applicant that contains the word “Balashi.”

REQUEST NO. 19:

All communications prior to or on March 17, 2015 between you and any manufacturer of alcoholic beverages that contain the word “Balashi.”

REQUEST NO. 20:

All communications prior to or on March 17, 2015 between you and any graphic artist or designer that contains the word “Balashi.”

REQUEST NO. 21:

All agreements entered into prior to or on March 17, 2015 that contain the word “Balashi.”

REQUEST NO. 22:

All invoices issued prior to or on March 17, 2015 that contain the word “Balashi.”

REQUEST NO. 23:

All communications that you sent to Opposer prior to or on March 17, 2015.

REQUEST NO. 24:

All communications that you received from Opposer prior to or on March 17, 2015.

REQUEST NO. 25:

All documents that were in existence prior to or on March 17, 2015 that evidence your bona fide intent to use the BALASHI SPIRITS trademark in connection with distilled spirits.

REQUEST NO. 26:

All documents that were in existence prior to or on March 17, 2015 that evidence your bona fide intent to use the BALASHI trademark in connection with any alcoholic beverage.

REQUEST NO. 27:

All certificates of label approval issued to you by the TTB, which contain the word “Balashi.”

REQUEST NO. 28:

All documents that were in existence prior to or on March 17, 2015, which relate to the creation or origin of the BALASHI mark.

REQUEST NO. 29:

All documents, including but not limited to ESI, in existence prior to or on March 17, 2015 that contain the word “Balashi.”

REQUEST NO. 30:

Documents sufficient to identify all products and/or services that you offer for sale to consumers in connection with a trademark containing the word “Balashi.”

REQUEST NO. 31:

All consumer surveys that refer to any of Opposer’s Marks and/or any trademark containing the word “Balashi” which Applicant has applied to register with the USPTO.

REQUEST NO. 32:

All documents evidencing actual consumer confusion relating to any of Opposer's Marks and any trademark containing the word "Balashi" which Applicant has applied to register with the USPTO.

REQUEST NO. 33:

All documents evidencing a likelihood of consumer confusion relating to any of Opposer's Marks and any trademark containing the word "Balashi" which Applicant has applied to register with the USPTO.

Dated: December 2, 2015

Respectfully submitted,
Brouwerij Nacional Balashi N.V.

By: /Susan J. Latham/
Susan J. Latham
Attorney for Opposer

Opposer's Attorneys:

FELDMAN GALE, P.A.

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AKessler@FeldmanGale.com; Trademarks@FeldmanGale.com

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the parties' agreement to serve documents in this proceeding electronically, a true and complete copy of the foregoing document entitled: **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT** has been served upon the Applicant on this 2nd day of December 2015, by transmitting a copy of same via electronic mail to:

Gregory J. Winsky, and Kerri E. Chewning
ARCHER & GREINER, P.C.
One Continental Square, P.O. Box 3000
Haddonfield, New Jersey 08033
E-mail: trademarks@archerlaw.com; kchewning@archerlaw.com
Telephone: 856-616-2610
Facsimile: 856-673-7140

As attorney of record for Application Serial No. 86/566,095 on behalf of:
t & beer, inc.
136 Willow Drive
Old Tappan, New Jersey 07675
E-mail: t.simone@prodigy.net

/Susan Latham/

Susan J. Latham
Attorney for Opposer

Opposer's Motion for Summary Judgment

EXHIBIT “L”

Generated on:

This page was generated by TSDR on 2015-12-17 13:17:04 EST

Mark: SLIM SHADY

SLIM SHADY

US Serial Number: 85973844

Application Filing Date:

Jun. 30, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date:

May 16, 2014

Date Abandoned: Apr. 21, 2014

Mark Information

Mark Literal Elements:

SLIM SHADY

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

Spirits and liqueurs

International Class(es): 033 - Primary Class

U.S Class(es):

047, 049

Class Status:

ACTIVE

Basis:

1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

BNB 000061

Owner Name:

T & BEER, INC

DBA, AKA, Formerly:

DBA SIMONE INTERNATIONAL

Owner Address:136 WILLOW DRIVE
OLD TAPPAN, NEW JERSEY 07675
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where
Organized:**

NEW YORK

Attorney/Correspondence Information

Attorney of Record - None**Correspondent****Correspondent
Name/Address:**T & BEER, INC
T & BEER, INC
136 WILLOW DR
OLD TAPPAN, NEW JERSEY 07675-6824
UNITED STATES**Phone:** 201-206-3512**Fax:**

973-340-9300

Correspondent e-mail: T.SIMONE@PRODIGY.NET**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 16, 2014	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
May 16, 2014	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Oct. 18, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 18, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 18, 2013	NON-FINAL ACTION WRITTEN	86338
Oct. 10, 2013	ASSIGNED TO EXAMINER	86338
Jul. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 03, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information**TM Attorney:** KERTGATE, AMY L**Law Office Assigned:**

LAW OFFICE 113

File Location**Current Location:** TMO LAW OFFICE 113 - EXAMINING
ATTORNEY ASSIGNED**Date in Location:**

May 16, 2014

BNB 000062

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: May 16, 2014

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Oct 18, 2013 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85973844
MARK: SLIM SHADY
OWNER: T & BEER, INC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

T & BEER, INC
T & BEER, INC
136 WILLOW DR
OLD TAPPAN , NJ 07675-6824

BNB 000063

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85973844

MARK: SLIM SHADY

85973844

CORRESPONDENT ADDRESS:

T & BEER, INC

T & BEER, INC

136 WILLOW DR

OLD TAPPAN, NJ 07675-6824

CLICK HERE TO RESPOND TO

<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: T & BEER, INC

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

T.SIMONE@PRODIGY.NET

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 10/18/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

BNB 000066

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS:

- Section 2(a) refusal – False connection
- Explanation required as to significance of mark

NO CONFLICTING MARKS FOUND

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Registration is refused, however, on the following grounds.

REFUSAL – FALSE CONNECTION

Registration is refused because the applied-for mark consists of or includes matter which may falsely suggest a connection with rap and hip hop artist Marshall Mathers (aka Eminem). Although Eminem is not connected with the goods provided by applicant under the applied-for mark, Eminem is so famous that consumers would presume a connection. Trademark Act Section 2(a), 15 U.S.C. §1052(a); *see* TMEP §§1203.03, 1203.03(e). *See generally* *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Trademark Act Section 2(a):

- (1) The mark sought to be registered is the same as, or a close approximation of, the name or identity previously used by another person or institution.
- (2) The mark would be recognized as such, in that it points uniquely and unmistakably to that person or institution.
- (3) The person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark.
- (4) The fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods and/or services.

In re Jackson Int'l Trading Co., 103 USPQ2d 1417, 1419 (TTAB 2012); *In re MC MC S.r.l.*, 88 USPQ2d 1378, 1379 (TTAB 2008); TMEP §1203.03(e); *see also Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 1375-77, 217 USPQ 505, 508-10 (Fed. Cir. 1983) (providing foundational principles for the current four-part test used to determine the existence of a false connection).

In applying the above test, it is clear that the applicant's mark falsely suggests a connection with Eminem.

First, the mark sought to be registered is the same as the name or identity of Eminem. Specifically, the proposed mark SLIM SHADY identifies Eminem. Please see the attached article excerpts from the Lexis database showing the SLIM SHADY refers to Eminem. Please also see the attached Internet articles from eight websites demonstrating that SLIM SHADY refers to Eminem. *See* attached web pages from the following websites:

http://webcache.googleusercontent.com/search?q=cache:zddD9ySH_JwJ:www.eminem.net/slim_shady/+&cd=19&hl=en&ct=clnk&gl=us

<http://webcache.googleusercontent.com/search?q=cache:10Tx-ciXffsJ:slimshady.com/+&cd=19&hl=en&ct=clnk&gl=us>

[http://webcache.googleusercontent.com/search?q=cache:Uy50hoclPCUJ:creepypasta.wikia.com/wiki/Slim](http://webcache.googleusercontent.com/search?q=cache:Uy50hoclPCUJ:creepypasta.wikia.com/wiki/Slim_Shady/+&cd=19&hl=en&ct=clnk&gl=us)

<http://www.urbandictionary.com/define.php?term=slim%20shady>

[http://webcache.googleusercontent.com/search?q=cache:W8ik71J6fioJ:https://www.facebook.com/eminem/](http://webcache.googleusercontent.com/search?q=cache:W8ik71J6fioJ:https://www.facebook.com/eminem/notifications/?fref=notifications/+&cd=26&hl=en&ct=clnk&gl=us)

<http://webcache.googleusercontent.com/search?q=cache:I2JUMjh25jQJ:tribune.com.pk/story/595923/did-you-know-slim-shadys-back-and-hes-going-berzerk/+&cd=26&hl=en&ct=clnk&gl=us>

http://www.huffingtonpost.com/marcia-alesan-dawkins/watch-the-real-slim-shady_b_4067714.html

[http://webcache.googleusercontent.com/search?q=cache:vqHoSgiry98J:www.sohh.com/2013/10/all_hail_em](http://webcache.googleusercontent.com/search?q=cache:vqHoSgiry98J:www.sohh.com/2013/10/all_hail_eminem/+&cd=26&hl=en&ct=clnk&gl=us)

As is the case here, the term at issue need not be the actual, legal name of the party falsely associated with applicant's mark to be unregistrable. TMEP §1203.03(a); *see, e.g., Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428, 429-30 (TTAB 1985) (holding the wording MARGARITAVILLE to be the persona of singer Jimmy Buffett). The term must, however, be so uniquely and unmistakably associated with the named party as to constitute that party's name or identity. TMEP §1203.03; *see, e.g., In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985); *Buffett*, 226 USPQ at 429. Thus, in this case, because the mark sought to be registered is identical to a pseudonym of Eminem, the first prong of the false association test has been satisfied.

Second, the proposed mark points uniquely and unmistakably to Eminem. As shown by the attached evidence, the applied-for mark is identical to the famous pseudonym of Eminem. The fact of the matter is that the wording SLIM SHADY clearly and unmistakably identifies Eminem. As such, the proposed mark is instantly recognized as referring to Eminem and the second prong of the false connection test has been satisfied.

Third, there is no evidence indicating that Eminem is connected with the goods sold by applicant under the proposed mark.

Fourth, the fame and reputation of Eminem is such that a connection between him and the applicant would be presumed by the applicant's use of the proposed mark on its goods. Please see the attached additional sampling of Internet articles and website evidence retrieved through the Google.com search engine, which reflect the fame of Eminem. Specifically, this evidence demonstrates that Eminem is continuously in the news regarding his performance and music as a rap and hip hop artist. See attached web pages from the following websites:

<http://www.ask.com/question/why-is-eminem-called-slim-shady>

<http://www.spin.com/#articles/eminem-facebook-mark-zuckerberg-slim-shady-lawsuit/>

<http://www.usatoday.com/picture-gallery/life/music/2013/08/27/marshall-mathers-to-slim-shady-a-look-at-eminems-career/2706013/>

http://webcache.googleusercontent.com/search?q=cache:_IQAeqsTpgwJ:www.mtv.com/news/articles/1641:slim-shady-wasnt-right-recovery.jhtml+&cd=60&hl=en&ct=clnk&gl=us

http://webcache.googleusercontent.com/search?q=cache:d2D-Me2ktSsJ:www.believmag.com/issues/200602/%3Fread%3Darticle_christgau+&cd=63&hl=en&ct=clnk&gl=us

http://webcache.googleusercontent.com/search?q=cache:_NwtY9SqURkJ:www.today.com/entertainment/erturns-40-still-real-slim-shady-1C6516526+&cd=64&hl=en&ct=clnk&gl=us

For all of the foregoing reasons, the applied-for mark consists of matter which may falsely suggest a connection with rap and hip hop artist Eminem. Accordingly, registration is refused pursuant to Section 2(a) of the Trademark Act.

PLEASE NOTE: Section 2(a) is an absolute bar to registration on either the Principal or Supplemental Register. TMEP §1203.02.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal to register, then applicant must also respond to the requirement(s) set forth below.

EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED

Due to the notoriety of the institution or person named in the mark, and the fact that there is no information in the application record regarding a connection with applicant, applicant must specify

BNB 000069

whether the person or institution named in the mark has any connection with applicant's goods and/or services, and if so, must describe the nature and extent of that connection. *See* 37 C.F.R. §2.61(b); TMEP §1203.03(e).

Additionally, applicant must respond to the following questions:

- (1) Does applicant have a professional relationship with Eminem (aka Marshall Mathers)?
- (2) Does applicant have a personal relationship with Eminem (aka Marshall Mathers)?
- (3) Is applicant affiliated in any way with Eminem (aka Marshall Mathers)?
- (4) What does the wording "SLIM SHADY" mean, or refer to, in the context of applicant's goods?
- (5) Does the wording "SLIM SHADY" have any other meaning or significance as applied to the goods listed in the application?

Failure to respond to a request for information can be grounds for refusing registration. TMEP §814; *see In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003). Merely stating that information about the goods or services is available on applicant's website is an inappropriate response to a request for additional information, and is insufficient to make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

ADVISORY: APPLICANT MAY WISH TO CONSULT WITH AN ATTORNEY

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a private attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06.

For attorney referral information, applicant may consult the American Bar Association's Consumers' Guide to Legal Help at <http://www.abanet.org/legalservices/findlegalhelp/home.cfm>, an attorney referral service of a state or local bar association, or a local telephone directory. The USPTO may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

GUIDELINES FOR RESPONDING TO THIS OFFICE ACTION

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and

BNB 000070

where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Amy L. Kertgate/

Examining Attorney

Law Office 113

Tel: (571) 272-1943

Email: amy.kertgate@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

BNB 000071

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Opposer's Motion for Summary Judgment

EXHIBIT “M”

Generated on:

This page was generated by TSDR on 2015-12-17 13:14:55 EST

Mark: TATOU

TATOU

US Serial Number: 86432428

Application Filing Date:

Oct. 23, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

Abandoned after an inter partes decision by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date:

Oct. 07, 2015

Publication Date: Feb. 17, 2015

Date Abandoned: Oct. 07, 2015

Mark Information

Mark Literal Elements:

TATOU

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For:

Distilled Spirits

International Class(es): 033 - Primary Class

U.S Class(es):

047, 049

Class Status:

ABANDONED

Basis:

1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

BNB 000039

Owner Name:

t & beer, inc,

Owner Address:136 willow drive
old tappan, NEW JERSEY 07675
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where
Organized:**

NEW YORK

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** joseph a. ascoli**Attorney Primary Email
Address:** jascoli@skenelawfirm.com**Attorney Email
Authorized:**

Yes

Correspondent**Correspondent
Name/Address:**JOSEPH A ASCOLI
SKENE LAW FIRM
2614 ROUTE 516
OLD BRIDGE, NEW JERSEY 08857-2306
UNITED STATES**Phone:** 732-727-5030**Fax:**

732-727-5028

Correspondent e-mail: jascoli@skenelawfirm.com**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2015	ABANDONMENT NOTICE MAILED - INTER PARTES DECISION	
Oct. 07, 2015	ABANDONMENT - AFTER INTER PARTES DECISION	
Oct. 07, 2015	OPPOSITION TERMINATED NO. 999999	222415
Oct. 07, 2015	OPPOSITION SUSTAINED NO. 999999	222415
Aug. 26, 2015	ASSIGNED TO EXAMINER	82413
Jun. 17, 2015	OPPOSITION INSTITUTED NO. 999999	222415
Mar. 02, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 17, 2015	PUBLISHED FOR OPPOSITION	
Jan. 28, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 29, 2014	ASSIGNED TO EXAMINER	78067
Oct. 30, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 27, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information**TM Attorney:** BULLOFF, TOBY ELLEN**Law Office Assigned:**

LAW OFFICE 119

File Location**Current Location:** TTAB**Date in Location:**

Oct. 07, 2015

Proceedings

Summary**BNB 000040**

Number of Proceedings:

2

Type of Proceeding: Opposition**Proceeding Number:** [91222415](#)**Filing Date:**

Jun 17, 2015

Status: Terminated**Status Date:**

Oct 07, 2015

Interlocutory Attorney: JENNIFER KRISP**Defendant****Name:**

T & Beer, Inc.

Correspondent Address:JOSEPH A ASCOLI
SKENE LAW FIRM
2614 ROUTE 516
OLD BRIDGE NJ , 08857-2306
UNITED STATES**Correspondent e-mail:**jascoli@skenelawfirm.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TATOU	Abandoned - After Inter-Partes Decision	86432428	

Plaintiff(s)**Name:**

Diageo North America, Inc.

Correspondent Address:BRIAN P O'DONNELL
KILPATRICK TOWNSEND & STOCKTON LLP
1400 WEWATTA STREET, SUITE 600
DENVER CO , 80202
UNITED STATES**Correspondent e-mail:**denverteas@kilpatricktownsend.com , bodonnell@kilpatricktownsend.com , tdavis@kilpatricktownsend.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TATTOO	Renewed	78243914	2975653
CAPTAIN MORGAN TATTOO	Renewed	78542532	3032300
CAPTAIN MORGAN TATTOO	Section 8 and 15 - Accepted and Acknowledged	77310869	3435812
CAPTAIN MORGAN TATTOO	Registered	86020532	4595596

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 17, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 17, 2015	Jul 27, 2015
3	PENDING, INSTITUTED	Jun 17, 2015	
4	NOTICE OF DEFAULT	Aug 22, 2015	
5	BD DECISION: SUSTAINED	Oct 07, 2015	
6	TERMINATED	Oct 07, 2015	

Type of Proceeding: Extension of Time**Proceeding Number:** [86432428](#)**Filing Date:**

Mar 02, 2015

Status: Terminated**Status Date:**

Jun 17, 2015

Interlocutory Attorney:**Defendant****Name:**

t & beer, inc,

Correspondent Address:

JOSEPH A. ASCOLI

BNB 000041

SKENE LAW FIRM
2614 ROUTE 516
OLD BRIDGE NJ , 08857-2306

Associated marks

Mark	Application Status	Serial Number	Registration Number
TATOU	Abandoned - After Inter-Partes Decision	86432428	

Potential Opposer(s)

Name:

Diageo North America, Inc.

Correspondent Address:

Elliot Basner
Diageo North America, Inc.
801 Main Avenue
Norwalk CT , 06851
UNITED STATES

Correspondent e-mail:

trademarks@diageo.com , elliott.basner@diageo.com , mara.mccooey@diageo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 02, 2015	
2	EXTENSION OF TIME GRANTED	Mar 02, 2015	

BNB 000042

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Oct 7, 2015

The trademark application identified below was abandoned on Oct 7, 2015 as a result of Trademark Trial and Appeal Board proceedings.

SERIAL NUMBER: 86432428
MARK: TATOU
OWNER: t & beer, inc,

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

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U.S POSTAGE
PAID

JOSEPH A ASCOLI
SKENE LAW FIRM
2614 ROUTE 516
OLD BRIDGE , NJ 08857-2306

BNB 000043

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, February 17, 2015 00:40 AM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86432428: TATOU

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86432428

Mark: TATOU

International Class(es): 033

Owner: t & beer, inc,

Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Feb 17, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser:

<https://tmog.uspto.gov/#issueDate=2015-02-17&serialNumber=86432428>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to

http://tsdr.uspto.gov/#caseNumber=86432428&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to

http://tsdr.uspto.gov/#caseNumber=86432428&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

BNB 000044



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Jan 28, 2015

NOTICE OF PUBLICATION

1. Serial No.:
86-432,428
2. Mark:
TATOU
(STANDARD CHARACTER MARK)
3. International Class(es):
33
4. Publication Date:
Feb 17, 2015
5. Applicant:
t & beer, inc,

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:
The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jascoli@sknelawfirm.com

BNB 000045

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, January 28, 2015 03:43 AM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86432428: TATOU

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86432428) is scheduled to publish in the *Official Gazette* on Feb 17, 2015. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=86432428>. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

BNB 000046

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	86432428	FILING DATE	10/23/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SHOSHO II, ERNEST	L.O. ASSIGNED	119

PUB INFORMATION

RUN DATE	12/30/2014		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	12/29/2014		
LITERAL MARK ELEMENT	TATOU		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	TATOU

BNB 000047

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	t & beer, inc,
ADDRESS	136 willow drive old tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York

GOODS AND SERVICES

INTERNATIONAL CLASS	033
DESCRIPTION TEXT	Distilled Spirits

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	033	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
------------------------	----

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/29/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
12/29/2014	DOCK	D	ASSIGNED TO EXAMINER	003
10/30/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
10/27/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph a. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM 2614 ROUTE 516 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

BNB 000048



TATOU

*** User:eshosho ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	N/A	0	0	0:01	86432428[SN]
02	58	39	19	18	0:01	*tatou*[bi,ti]
03	258	N/A	0	0	0:01	*armad{"iy"}l*[bi,ti]
04	81	51	30	26	0:02	3 and ("033")[cc]
05	152	96	56	51	0:01	*t{ v }tou*[bi,ti]

Session started 12/29/2014 2:52:28 PM

Session finished 12/29/2014 2:56:52 PM

Total search duration 0 minutes 6 seconds

Session duration 4 minutes 24 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 86432428

BNB 000051

TATOU

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86432428

Filing Date: 10/23/2014

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	TATOU
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TATOU
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	t & beer, inc,
*STREET	136 willow drive
*CITY	old tappan
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	07675
PHONE	732-727-5030
LEGAL ENTITY INFORMATION	

BNB 000053

*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	033
*IDENTIFICATION	Distilled Spirits
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	joseph a. ascoli
FIRM NAME	skene law firm
STREET	2614 route 516
CITY	old bridge
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08857
PHONE	732-727-5030
FAX	732-727-5028
EMAIL ADDRESS	jascoli@skenelawfirm.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	joseph a. ascoli
FIRM NAME	skene law firm
*STREET	2614 route 516

BNB 000054

*CITY	old bridge
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE	08857
PHONE	732-727-5030
FAX	732-727-5028
*EMAIL ADDRESS	jascoli@skenelawfirm.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/joseph a. ascoli/
* SIGNATORY'S NAME	joseph a. ascoli
* SIGNATORY'S POSITION	attorney of record new jersey
SIGNATORY'S PHONE NUMBER	732-727-5030
* DATE SIGNED	10/23/2014

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86432428

Filing Date: 10/23/2014

To the Commissioner for Trademarks:

MARK: TATOU (Standard Characters, see [mark](#))

The literal element of the mark consists of TATOU.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, t & beer, inc., a corporation of New York, having an address of
136 willow drive
old tappan, New Jersey 07675
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 033: Distilled Spirits

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

joseph a. ascoli of skene law firm
2614 route 516
old bridge, New Jersey 08857
United States

The applicant's current Correspondence Information:

joseph a. ascoli
skene law firm
2614 route 516
old bridge, New Jersey 08857
732-727-5030(phone)
732-727-5028(fax)

BNB 000056

jascoli@skenelawfirm.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /joseph a. ascoli/ Date Signed: 10/23/2014

Signatory's Name: joseph a. ascoli

Signatory's Position: attorney of record new jersey

RAM Sale Number: 86432428

RAM Accounting Date: 10/23/2014

Serial Number: 86432428

Internet Transmission Date: Thu Oct 23 13:13:26 EDT 2014

TEAS Stamp: USPTO/FTK-XX.XX.XX.XX-201410231313264374

55-86432428-5004e6a86fe91f8665acb6cf7216

4db39f4ad35bf9412fa38b33963d2de9f82d65-C

C-11829-20141023130822978551

BNB 000057

TATOU

ESTTA Tracking number: **ESTTA678698**

Filing date: **06/17/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Diageo North America, Inc.
Granted to Date of previous extension	06/17/2015
Address	801 Main Avenue Norwalk, CT 06851 UNITED STATES

Attorney information	Brian P. O'Donnell Kilpatrick Townsend & Stockton LLP 1400 Wewatta Street, Suite 600 Denver, CO 80202 UNITED STATES denverteas@kilpatricktownsend.com, bodonnell@kilpatricktownsend.com, tdavis@kilpatricktownsend.com Phone:303.571.4000
----------------------	--

Applicant Information

Application No	86432428	Publication date	02/17/2015
Opposition Filing Date	06/17/2015	Opposition Period Ends	06/17/2015
Applicant	t & beer, inc, 136 willow drive old tappan, NJ 07675 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Distilled Spirits

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2975653	Application Date	04/30/2003
Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	TATTOO		
Design Mark			
Description of	NONE		

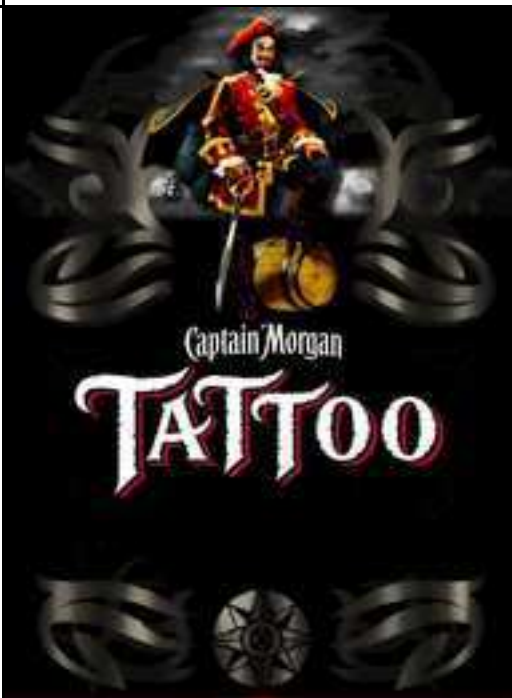
BNB 000011

Mark	
Goods/Services	Class 033. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 ALCOHOLIC BEVERAGES, namely, distilled spirits

U.S. Registration No.	3032300	Application Date	01/05/2005
Registration Date	12/20/2005	Foreign Priority Date	NONE
Word Mark	CAPTAIN MORGAN TATTOO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 Alcoholic beverages, namely, rum and flavored rums		

U.S. Registration No.	3435812	Application Date	10/23/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	CAPTAIN MORGAN TATTOO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 Distilled Spirits		

U.S. Registration No.	4595596	Application Date	07/26/2013
Registration Date	09/02/2014	Foreign Priority	NONE

		Date	
Word Mark	CAPTAIN MORGAN TATTOO		
Design Mark			
Description of Mark	<p>The mark consists of a pirate holding a sword with a yellow hilt in one hand with one foot on a barrel. The colors appear on the pirate's coat and hat. The color yellow appears on the trim of the pirate's coat, hat and cape. The color blue appears on the pirate's cape and pants. The color brown appears on the pirate's boots. The color white appears on the pirate's shirt. The colors tan and black appear on the barrel. Behind the pirate is a grey and white cloudy sky. Behind the pirate appears a sea and boat scene with the boat depicted in grey and the waves on the sea depicted in white. To the left and right of the pirate are grey and black swirl designs. Below the pirate appear the words "CAPTAIN MORGAN" in a stylized font in white. Below "CAPTAIN MORGAN" appears the word "TATTOO" in a stylized font in the color white and trimmed with an inner black border around the white letters, and then an outer red border around the black border. Below the word "TATTOO" appears a stylized grey and black nautical compass surrounded by a gray shaded circle. To the left and right of the compass appear grey and black swirls. The entire mark appears on a black background.</p>		
Goods/Services	Class 033. First use: First Use: 2012/08/31 First Use In Commerce: 2012/08/31 Alcoholic beverages except beers		

Attachments	78542532#TMSN.png(bytes) 77310869#TMSN.png(bytes) 86020532#TMSN.png(bytes) 60440-945219 Notice of Opposition - TATOU.pdf(168156 bytes) 60440-945219 Exhibit A.pdf(2651274 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

BNB 000013

Signature	/Brian P. O'Donnell/
Name	Brian P. O'Donnell
Date	06/17/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 86/432,428
Published in the Official Gazette on February 17, 2015
Mark: TATOU
International Class: 33

DIAGEO NORTH AMERICA, INC., Opposer, -against- T & BEER, INC., Applicant.

NOTICE OF OPPOSITION

Opposer Diageo North America, Inc. (“Opposer”) will be damaged by the registration of the mark TATOU (“Applicant’s Mark”) for “[d]istilled [s]pirits” in International Class 33, as shown in application Serial No. 86/432,428 and states the following grounds for its opposition to that application:

1. Opposer is a Connecticut corporation with its principal place of business located at 801 Main Avenue, Norwalk, Connecticut 06851.
2. Opposer and its predecessors-in-interest have owned and extensively, exclusively and continuously used inherently distinctive marks consisting of or including TATTOO and/or CAPTAIN MORGAN TATTOO (collectively, “Opposer’s Marks”) in commerce in the United States in connection with alcoholic beverages and various other goods since at least as early as 2004 – long before the filing date of the application herein opposed, or any other date upon which Applicant can rely in this proceeding.
3. During its continuous use of Opposer’s Marks, Opposer and its authorized wholesalers, distributors, and retail accounts have expended considerable time, effort and money

in extensively advertising, marketing and publicizing the sale of alcoholic beverages and various other goods bearing Opposer's Marks throughout the United States.


4. During its continuous use of Opposer's Marks, Opposer has directly and indirectly sold, and offered for sale, alcoholic beverages and various other goods bearing Opposer's Marks to wholesalers, distributors, and individuals over the legal purchase age for alcohol throughout the United States.

5. In addition, from a date long prior to any date upon which Applicant can rely in this proceeding, consumers and the public have recognized and commonly used Opposer's Marks to refer to Opposer's goods bearing those marks, and have come to identify Opposer's Marks with Opposer and its goods.

6. As a result of at least the foregoing, Opposer's Marks are strong, famous, and widely recognized by the general consuming public of the United States as a designation of source of Opposer's goods and have been so from a date prior to any date upon which Applicant can rely in this proceeding.

7. In addition to Opposer's extensive common-law rights in Opposer's Marks, Opposer owns numerous registrations and incontestable registrations of marks consisting in part of the word "Tattoo" for a variety of alcoholic beverages, among other things, including but not limited to the following:

Mark	Registration Date/Number	Class Description
TATTOO	July 26, 2005 2975653	33 – Alcoholic beverages, namely, distilled spirits
CAPTAIN MORGAN TATTOO	December 20, 2005 3032300	33 – Alcoholic beverages, namely, rum and flavored rums
CAPTAIN MORGAN TATTOO	May 27, 2008 3435812	33 – Distilled spirits

	September 2, 2014 4595596	33 – Alcoholic beverages except beers
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Copies of the certificates and electronic status records for these registrations (“Opposer’s Registrations”) are attached as Exhibit A.

8. Applicant T & Beer, Inc. (“Applicant”) is a New York corporation with an address of 136 Willow Drive, Old Tappan, New Jersey 07675.

9. By application Serial No. 86/432,428, Applicant seeks to register TATOU for “[d]istilled [s]pirits” in International Class 33.

10. Applicant’s application was filed on an intent-to-use basis on October 23, 2014, long after Opposer commenced use of and registered Opposer’s Marks in the United States, and long after Opposer’s Marks became famous in the United States.

11. Applicant’s Mark is confusingly similar to Opposer’s Marks.

12. The goods for which Applicant seeks registration are closely related to and/or identical to, and likely to be perceived as closely related and/or identical to, those in connection with which Opposer uses and has used Opposer’s Marks in the United States.

13. The identifications of goods in Application Serial No. 86/432,428 and in Opposer’s Registrations are unrestricted as to classes of purchasers, channels of trade, and promotional media.

14. Opposer will be damaged by the registration sought by Applicant because that registration will support and assist Applicant in the confusing and misleading use of the mark

sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

15. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the ground that Applicant's Mark so closely resembles Opposer's Marks as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive prospective consumers as to the origin, sponsorship or approval of Applicant's listed goods, with the consequent injury to Opposer and to the public.

16. Opposer therefore respectfully requests that the opposition be sustained by the Board and registration of Applicant's mark be denied pursuant to 15 U.S.C. §§ 1052(d) and 1063.

The required fee in the amount of \$300.00 accompanies this notice. The Commissioner is authorized to debit Kilpatrick Townsend & Stockton LLP's deposit account no. 20-1430 if there is a deficiency in the required fee.

Dated: June 17, 2015

Respectfully submitted,

/Brian P. O'Donnell/

Brian P. O'Donnell

Kilpatrick Townsend & Stockton LLP

1400 Wewatta Street, Suite 600

Denver, CO 80202

bodonnell@kilpatricktownsend.com

Theodore H. Davis, Jr.

Kilpatrick Townsend & Stockton LLP

1100 Peachtree Street NE, Suite 2800

Atlanta, GA 30309-4528

tdavis@kilpatricktownsend.com

Counsel for Opposer Diageo North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served, via first class mail, postage prepaid, and electronic mail on this 17th day of June 2015, to Applicant as follows:

T & Beer, Inc.
136 Willow Drive
Old Tappan, NJ 07675

Joseph A. Ascoli, Esq.
Skene Law Firm
2614 Route 516
Old Bridge, New Jersey 08857-2306
jascoli@skenelawfirm.com

/Brian P. O'Donnell/
Brian P. O'Donnell

CERTIFICATE OF TRANSMITTAL

I certify that a copy of the attached NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on June 17, 2015.

/Brian P. O'Donnell/
Brian P. O'Donnell

EXHIBIT A

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,975,653

Registered July 26, 2005

**TRADEMARK
PRINCIPAL REGISTER**

TATTOO

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

OWNER OF U.S. REG. NO. 2,173,685.

SER. NO. 78-243,914, FILED 4-30-2003.

FOR: ALCOHOLIC BEVERAGES, NAMELY, DIS-
TILLED SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

SOPHIA S. KIM, EXAMINING ATTORNEY

BNB 000021

Generated on: This page was generated by TSDR on 2015-05-14 16:32:30 EDT

Mark: TATTOO

US Serial Number: 78243914
US Registration Number: 2975653
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jan. 05, 2015
Publication Date: May 03, 2005

Application Filing Date: Apr. 30, 2003
Registration Date: Jul. 26, 2005

Mark Information

Mark Literal Elements: TATTOO
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 2173685

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ALCOHOLIC BEVERAGES, namely, distilled spirits
International Class(es): 033 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 2004

U.S Class(es): 047, 049
Use in Commerce: Jun. 2004

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Diageo North America, Inc.
Owner Address: 801 Main Ave
Norwalk, CONNECTICUT 06851
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: CONNECTICUT

BNB 000022

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Hamilton

Attorney Primary Email Address: trademarks@diageo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Hamilton
Diageo North America, Inc.
801 Main Avenue
Norwalk, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 05, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Jan. 05, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Jan. 05, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Dec. 11, 2014	TEAS SECTION 8 & 9 RECEIVED	
Aug. 25, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Aug. 25, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Aug. 03, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jul. 26, 2005	REGISTERED-PRINCIPAL REGISTER	
May 03, 2005	PUBLISHED FOR OPPOSITION	
Apr. 13, 2005	NOTICE OF PUBLICATION	
Mar. 02, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 01, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 09, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	73269
Feb. 07, 2005	ASSIGNED TO LIE	73269
Dec. 30, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 30, 2004	USE AMENDMENT ACCEPTED	
Nov. 23, 2004	AMENDMENT TO USE PROCESSING COMPLETE	76523
Oct. 28, 2004	USE AMENDMENT FILED	76523
Nov. 22, 2004	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 02, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2004	TEAS AMENDMENT OF USE RECEIVED	
Aug. 31, 2004	ASSIGNED TO LIE	76568
Aug. 11, 2004	PETITION TO REVIVE-GRANTED	65294
Apr. 19, 2004	PETITION TO REVIVE-RECEIVED	
May 14, 2004	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Apr. 19, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 19, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 10, 2003	NON-FINAL ACTION MAILED	
Sep. 29, 2003	ASSIGNED TO EXAMINER	73350

Maintenance Filings or Post Registration Information

BNB 000023

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 26, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 05, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92042047](#)

Filing Date: May 23, 2003

Status: Terminated

Status Date: Jun 04, 2003

Interlocutory Attorney:

Defendant

Name: JIM BEAM BRANDS CO.

Correspondent Address: MELANIE BRADLEY
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK NY , 10036-2711
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TATTOO	Cancelled - Section 8	75169277	2173685

Plaintiff(s)

Name: Diageo North America, Inc.

Correspondent Address: Cara A. Boyle
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
WASHINGTON DC , 20004
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TATTOO	Renewed	78243914	2975653

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 23, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 04, 2003	Jul 14, 2003
3	PENDING, INSTITUTED	Jun 04, 2003	
4	DEF'S REQUEST FOR TWO-WEEK EXT OF TIME IN WHICH TO FILE ANSWER	Jul 16, 2003	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 29, 2003	
6	SUSPENDED	Aug 21, 2003	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 11, 2003	
8	PLS WITHDRAWAL OF CANC WITHOUT PREJ	May 04, 2004	
9	BOARD'S DECISION: DISMISSED W/O PREJ	May 11, 2004	
10	TERMINATED	May 11, 2004	

BNB 000024

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,032,300

Registered Dec. 20, 2005

**TRADEMARK
PRINCIPAL REGISTER**

**CAPTAIN MORGAN
TATTOO**

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

OWNER OF U.S. REG. NOS. 972,985, 1,783,555 AND
OTHERS.

FOR: ALCOHOLIC BEVERAGES, NAMELY, RUM
AND FLAVORED RUMS, IN CLASS 33 (U.S. CLS. 47
AND 49).

THE NAME CAPTAIN MORGAN TATTOO DOES
NOT IDENTIFY A LIVING INDIVIDUAL.

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

SER. NO. 78-542,532, FILED 1-5-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

JOHN WILKE, EXAMINING ATTORNEY

BNB 000025

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Mark: CAPTAIN MORGAN TATTOO

CAPTAIN MORGAN
TATTOO

US Serial Number: 78542532

Application Filing Date: Jan. 05, 2005

US Registration Number: 3032300

Registration Date: Dec. 20, 2005

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jan. 15, 2015

Publication Date: Sep. 27, 2005

Mark Information

Mark Literal Elements: CAPTAIN MORGAN TATTOO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name CAPTAIN MORGAN TATTOO does not identify a living individual.

Related Properties Information

Claimed Ownership of US Registrations: 0972985, 1285506, 1783555 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Alcoholic beverages, namely, rum and flavored rums

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 2004

Use in Commerce: Jun. 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Diageo North America, Inc.

Owner Address: 801 Main Ave
Norwalk, CONNECTICUT 06851
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CONNECTICUT

Attorney/Correspondence Information

Attorney of Record

BNB 000026

Attorney Name: Jennifer Hamilton

Docket Number: CPMG-4005-US

Attorney Primary Email Address: trademarks@diageo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Hamilton
Diageo North America, Inc.
801 Main Avenue
Norwalk, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 15, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 15, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Jan. 15, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Jan. 15, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Dec. 22, 2014	TEAS SECTION 8 & 9 RECEIVED	
Apr. 22, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Apr. 21, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Apr. 08, 2011	TEAS SECTION 8 & 15 RECEIVED	
Oct. 08, 2008	NOTICE OF SUIT	
Dec. 20, 2005	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2005	PUBLISHED FOR OPPOSITION	
Sep. 07, 2005	NOTICE OF PUBLICATION	
Aug. 16, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	65864
Aug. 11, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 12, 2005	ASSIGNED TO LIE	65864
Aug. 08, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 05, 2005	ASSIGNED TO EXAMINER	80801
Mar. 02, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 01, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 16, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 20, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 15, 2015

BNB 000027

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,435,812

Registered May 27, 2008

**TRADEMARK
PRINCIPAL REGISTER**

CAPTAIN MORGAN TATTOO

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

FOR: DISTILLED SPIRITS, IN CLASS 33 (U.S. CLS.
47 AND 49).

FIRST USE 6-0-2004; IN COMMERCE 6-0-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 972,985, 3,032,300 AND
OTHERS.

THE NAME(S), PORTRAIT(S), AND/OR SIGNA-
TURE(S) SHOWN IN THE MARK DOES NOT IDEN-
TIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 77-310,869, FILED 10-23-2007.

RON FAIRBANKS, EXAMINING ATTORNEY

BNB 000028

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Mark: CAPTAIN MORGAN TATTOO

CAPTAIN MORGAN TATTOO

US Serial Number: 77310869	Application Filing Date: Oct. 23, 2007
US Registration Number: 3435812	Registration Date: May 27, 2008
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.	
Status Date: Mar. 17, 2014	
Publication Date: Mar. 11, 2008	

Mark Information

Mark Literal Elements: CAPTAIN MORGAN TATTOO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

Related Properties Information

Claimed Ownership of US Registrations: 0972985, 2975653, 3032300 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Distilled Spirits	
International Class(es): 033 - Primary Class	U.S Class(es): 047, 049
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Jun. 2004	Use in Commerce: Jun. 2004

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Diageo North America, Inc.	
Owner Address: 801 Main Avenue Norwalk, CONNECTICUT 06851 UNITED STATES	
Legal Entity Type: CORPORATION	State or Country Where Organized: CONNECTICUT

Attorney/Correspondence Information

Attorney of Record - None

BNB 000029

Correspondent			
Correspondent Name/Address:		NICOLE D. D'AMATO Diageo North America, Inc. 801 Main Avenue Norwalk, CONNECTICUT 06851-1127 UNITED STATES	
Phone:		(203) 229-2100	
Correspondent e-mail:		diageodocketing@ashurst.com	
		Correspondent e-mail Authorized: Yes	
Domestic Representative - Not Found			
Prosecution History			
Date	Description	Proceeding Number	
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED		
Mar. 17, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED		
Mar. 17, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376	
Feb. 25, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	73376	
Mar. 17, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376	
Feb. 25, 2014	TEAS SECTION 8 & 15 RECEIVED		
Feb. 25, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED		
May 27, 2008	REGISTERED-PRINCIPAL REGISTER		
Mar. 11, 2008	PUBLISHED FOR OPPOSITION		
Feb. 20, 2008	NOTICE OF PUBLICATION		
Feb. 06, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287	
Feb. 06, 2008	ASSIGNED TO LIE	67287	
Dec. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER		
Dec. 28, 2007	ASSIGNED TO EXAMINER	76463	
Oct. 26, 2007	NEW APPLICATION ENTERED IN TRAM		
Maintenance Filings or Post Registration Information			
Affidavit of Continued Use:		Section 8 - Accepted	
Affidavit of Incontestability:		Section 15 - Accepted	
TM Staff and Location Information			
TM Staff Information - None			
File Location			
Current Location:		TMO LAW OFFICE 117	
		Date in Location: Mar. 17, 2014	
Proceedings			
Summary			
Number of Proceedings: 1			
Type of Proceeding: Opposition			
Proceeding Number:		91221751	
Status:		Pending	
Interlocutory Attorney:		YONG OH (RICHARD) KIM	
Defendant			
Name: Captain William G. MacDonald			
Correspondent Address: JOHN S. EGBERT Egbert Law Offices PLLC 1314 Texas St Fl 21 Houston TX , 77002-6577			
Correspondent e-mail: mail@egbertlawoffices.com			
Associated marks			
		Serial	Registration

BNB 000030

Mark	Application Status	Number	Number
CAPTAIN W.G. MACDONALD'S	Opposition Pending	86354984	
Plaintiff(s)			

Name: Diageo North America, Inc.

Correspondent Address: Brian P. O'Donnell
Kilpatrick Townsend & Stockton LLP
1400 Wewatta Street, Suite 600
Denver CO , 80202
UNITED STATES

Correspondent e-mail: denverteas@kilpatricktownsend.com , bodonnell@kilpatricktownsend.com , tdavis@kilpatricktownsend.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CAPTAIN MORGAN	Renewed	72417450	972985
CAPTAIN MORGAN	Section 8 and 15 - Accepted and Acknowledged	77303060	3466371
CAPTAIN MORGAN 1671	Registered	86249606	4705270
CAPTAIN MORGAN	Section 8 and 15 - Accepted and Acknowledged	78410544	3159948
CAPTAIN MORGAN	Registered	85039011	4126073
CAPTAIN'S ORDERS!	Registered	85518308	4281706
CAPTAIN MORGAN TATTOO	Section 8 and 15 - Accepted and Acknowledged	77310869	3435812
CAPTAIN MORGAN BLACK	Registered	85609416	4290286
CAPTAIN MORGAN BLACK	Registered	85602310	4260826
CAPTAIN MORGAN PARROT BAY	Section 8 and 15 - Accepted and Acknowledged	77310152	3603578

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2015	Jun 08, 2015
3	PENDING, INSTITUTED	Apr 29, 2015	

BNB 000031

United States of America

United States Patent and Trademark Office



Reg. No. 4,595,596

Registered Sep. 2, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DIAGEO NORTH AMERICA, INC. (CONNECTICUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 8-31-2012; IN COMMERCE 8-31-2012.

OWNER OF U.S. REG. NOS. 2,975,653, 3,032,300, AND 3,435,812.

THE COLOR(S) GREY, BLACK, RED, YELLOW, BLUE, BROWN, TAN, AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

"CAPTAIN MORGAN" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

THE MARK CONSISTS OF A PIRATE HOLDING A GRAY SWORD WITH A YELLOW HILT IN ONE HAND WITH ONE FOOT ON A BARREL. THE COLOR RED APPEARS ON THE PIRATE'S COAT AND HAT. THE COLOR YELLOW APPEARS ON THE TRIM OF THE PIRATE'S COAT, HAT AND CAPE. THE COLOR BLUE APPEARS ON THE PIRATE'S CAPE AND PANTS. THE COLOR BROWN APPEARS ON THE PIRATE'S BOOTS. THE COLOR WHITE APPEARS ON THE PIRATE'S SHIRT. THE COLORS TAN AND BLACK APPEAR ON THE BARREL. BEHIND THE PIRATE IS A GREY AND WHITE CLOUDY SKY. BEHIND THE PIRATE APPEARS A SEA AND BOAT SCENE WITH THE BOAT DEPICTED IN GRAY AND THE WAVES ON THE SEA DEPICTED IN WHITE. TO THE LEFT AND RIGHT OF THE PIRATE ARE GREY AND BLACK SWIRL DESIGNS. BELOW THE PIRATE APPEAR THE WORDS "CAPTAIN MORGAN" IN A STYLIZED FONT IN WHITE. BELOW "CAPTAIN MORGAN" APPEARS THE WORD "TATTOO" IN A STYLIZED FONT IN THE COLOR WHITE AND TRIMMED WITH AN INNER BLACK BORDER AROUND THE WHITE LETTERS, AND THEN AN OUTER RED BORDER AROUND THE BLACK BORDER. BELOW THE WORD "TATTOO" APPEARS A STYLIZED GRAY AND BLACK NAUTICAL COMPASS SURROUNDED BY A GRAY SHADED CIRCLE. TO THE LEFT AND RIGHT OF THE COMPASS APPEAR GREY AND BLACK SWIRLS. THE ENTIRE MARK APPEARS ON A BLACK BACKGROUND.



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

SER. NO. 86-020,532, FILED 7-26-2013.

LAURA FIONDA, EXAMINING ATTORNEY

BNB 000032

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: CAPTAIN MORGAN TATTOO



US Serial Number: 86020532

Application Filing Date: Jul. 26, 2013

US Registration Number: 4595596

Registration Date: Sep. 02, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 02, 2014

Publication Date: Jun. 17, 2014

Mark Information

Mark Literal Elements: CAPTAIN MORGAN TATTOO

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a pirate holding a gray sword with a yellow hilt in one hand with one foot on a barrel. The color red appears on the pirate's coat and hat. The color yellow appears on the trim of the pirate's coat, hat and cape. The color blue appears on the pirate's cape and pants. The color brown appears on the pirate's boots. The color white appears on the pirate's shirt. The colors tan and black appear on the barrel. Behind the pirate is a grey and white cloudy sky. Behind the pirate appears a sea and boat scene with the boat depicted in gray and the waves on the sea depicted in white. To the left and right of the pirate are grey and black swirl designs. Below the pirate appear the words "CAPTAIN MORGAN" in a stylized font in white. Below "CAPTAIN MORGAN" appears the word "TATTOO" in a stylized font in the color white and trimmed with an inner black border around the white letters, and then an outer red border around the black border. Below the word "TATTOO" appears a stylized gray and black nautical compass surrounded by a gray shaded circle. To the left and right of the compass appear grey and black swirls. The entire mark appears on a black background.

Color Drawing: Yes

Color(s) Claimed: The color(s) grey, black, red, yellow, blue, brown, tan, and white is/are claimed as a feature of the mark.

Design Search Code(s): 01.01.05 - Stars - one or more stars with seven or more points
02.01.14 - Men, pirates; Pirates (men)
17.07.05 - Directional compasses, including mariner's compasses and compass points; Compasses (directional)
18.07.05 - Catamarans; Boats, sail
19.05.01 - Barrels; Drums (barrels)
23.01.01 - Sabers; Epees; Foils; Rapiers; Swords
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved

Name Portrait Consent: "CAPTAIN MORGAN" does not identify a living individual.

Related Properties Information

Claimed Ownership of US Registrations: 2975653, 3032300, 3435812

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Alcoholic beverages except beers

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

BNB 000034

First Use: Aug. 31, 2012

Use in Commerce: Aug. 31, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Diageo North America, Inc.

Owner Address: 801 Main Avenue
Norwalk, CONNECTICUT 06851
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CONNECTICUT

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Nicole D. D'Amato

Attorney Primary Email Address: trademarks@diageo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: NICOLE D. D'AMATO
Diageo North America, Inc.
801 Main Avenue
Norwalk, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 02, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 17, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 17, 2014	PUBLISHED FOR OPPOSITION	
May 28, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 13, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
May 03, 2014	ASSIGNED TO LIE	70468
Apr. 16, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 01, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 01, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 01, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2013	NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2013	NON-FINAL ACTION WRITTEN	90327
Nov. 25, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 25, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 25, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 25, 2013	EXAMINERS AMENDMENT -WRITTEN	90327

BNB 000035

Nov. 10, 2013	ASSIGNED TO EXAMINER	90327
Aug. 01, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 31, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 30, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 02, 2014

BNB 000036

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: August 22, 2015

Opposition No. 91222415

Diageo North America, Inc.

v.

t & beer, inc,

Lalita Greene, Paralegal Specialist:

An answer to the notice of opposition was due in this proceeding on July 27, 2015. Inasmuch as it appears that no answer has been filed, nor has Applicant filed a motion to extend the time to file an answer, notice of default is hereby entered against Applicant pursuant to Fed. R. Civ. P. 55(a).¹

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against Applicant in accordance with Fed. R. Civ. P. 55(b)(2).

¹ Inasmuch as Applicant is in default, the parties' obligations to hold the discovery conference, and to serve initial disclosures, are effectively stayed. *See* TBMP § 312.01.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

lg

Mailed: October 7, 2015

Opposition No. 91222415

Diageo North America, Inc.

v.

T & Beer, Inc.

By the Trademark Trial and Appeal Board:

On August 22, 2015, the Board issued a notice of default to Applicant because no answer had been filed.

No response to the notice of default has been filed.

Accordingly, judgment by default is hereby entered against Applicant, the opposition is sustained, and registration to Applicant is refused. *See* Fed. R. Civ. P. 55(b), and Trademark Rule 2.106(a).

BNB 000038

Opposer's Motion for Summary Judgment

EXHIBIT “N”

Generated on: This page was generated by TSDR on 2015-08-20 17:59:28 EDT

Mark: BALASHI BEER

BALASHI BEER

US Serial Number: 85795933
Application Filing Date: Dec. 06, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Abandoned because no Statement of Use or Extension Request timely filed after Notice of Allowance was issued. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.
Status Date: Feb. 23, 2015
Publication Date: May 28, 2013
Notice of Allowance Date: Jul. 23, 2013
Date Abandoned: Feb. 23, 2015

Mark Information

Mark Literal Elements: BALASHI BEER
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "BEER"
Translation: The wording "BALASHI" has no meaning in a foreign language.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Beer
International Class(es): 032 - Primary Class
U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: T & Beer, Inc
DBA, AKA, Formerly: DBA Simone International
Owner Address: 136 Willow Drive
Old Tappan, NEW JERSEY 07675
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: joseph A. ascoli
Attorney Primary Email: jascoli@skenelawfirm.com
Attorney Email: Yes

BNB 000156

Address:

Authorized:

Correspondent

Correspondent Name/Address: JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE, NEW JERSEY 08857-2306
UNITED STATES

Phone: 732-727-5030

Fax: 732-727-5028

Correspondent e-mail: jascoli@skenelawfirm.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2015	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Feb. 23, 2015	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 24, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 23, 2014	EXTENSION 2 GRANTED	61813
Jul. 23, 2014	EXTENSION 2 FILED	61813
Sep. 23, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Sep. 02, 2014	NOTICE OF REVIVAL - E-MAILED	
Sep. 02, 2014	EXTENSION RECEIVED WITH TEAS PETITION	
Sep. 02, 2014	PETITION TO REVIVE-GRANTED	88889
Sep. 02, 2014	TEAS PETITION TO REVIVE RECEIVED	
Aug. 25, 2014	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Aug. 25, 2014	ABANDONMENT - NO USE STATEMENT FILED	99999
Jul. 26, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 24, 2013	EXTENSION 1 GRANTED	98765
Jul. 24, 2013	EXTENSION 1 FILED	98765
Jul. 24, 2013	TEAS EXTENSION RECEIVED	
Jul. 23, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 28, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 28, 2013	PUBLISHED FOR OPPOSITION	
May 08, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 19, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Apr. 19, 2013	ASSIGNED TO LIE	67287
Mar. 27, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 27, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 27, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 27, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 27, 2013	EXAMINERS AMENDMENT -WRITTEN	80800
Mar. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 26, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 26, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 25, 2013	NON-FINAL ACTION WRITTEN	80800
Mar. 25, 2013	ASSIGNED TO EXAMINER	80800
Dec. 17, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

BNB 000157

TM Staff Information**TM Attorney:** GUTTADAURO, JULIE MARI**Law Office Assigned:** LAW OFFICE 106**File Location****Current Location:** INTENT TO USE SECTION**Date in Location:** Sep. 23, 2014

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	02/24/2015		
PUB DATE	05/28/2013		
STATUS	606-ABANDONED - NO STATEMENT OF USE FILED		
STATUS DATE	02/23/2015		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	02/23/2015	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000159

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/23/2015	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	036
02/23/2015	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	035
09/24/2014	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	034
09/23/2014	EX2G	S	EXTENSION 2 GRANTED	033
07/23/2014	EXT2	S	EXTENSION 2 FILED	032
09/23/2014	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	031

BNB 000160

09/02/2014	NREV	E	NOTICE OF REVIVAL - E-MAILED	030
09/02/2014	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029
09/02/2014	PETG	O	PETITION TO REVIVE-GRANTED	028
09/02/2014	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027
08/25/2014	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
08/25/2014	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
07/26/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
07/24/2013	EX1G	S	EXTENSION 1 GRANTED	023
07/24/2013	EXT1	S	EXTENSION 1 FILED	022
07/24/2013	EEXT	I	TEAS EXTENSION RECEIVED	021
07/23/2013	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	020
05/28/2013	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	019
05/28/2013	PUBO	A	PUBLISHED FOR OPPOSITION	018
05/08/2013	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	017
04/19/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
04/19/2013	ALIE	A	ASSIGNED TO LIE	015
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

joseph A. ascoli

CORRESPONDENCE ADDRESS

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.

BNB 000161

	2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE
PRIOR OWNER INFORMATION	
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York

BALASHI BEER

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Feb 23, 2015

The trademark application identified below was abandoned because the applicant failed to file for a statement of use or an extension of time.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85795933
MARK: BALASHI BEER
OWNER: T & Beer, Inc

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE , NJ 08857-2306

BNB 000164



From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, September 24, 2014 00:12 AM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notice of Approval of Extension Request: U.S. Trademark SN 85795933: BALASHI BEER

NOTICE OF APPROVAL OF EXTENSION REQUEST

U.S. Serial Number: 85795933
Mark: BALASHI BEER
Owner: T & Beer, Inc
Extension Request Number: 2
Docket/Reference Number:
Notice of Allowance Date: Jul 23, 2013

The USPTO issued a Notice of Allowance on **Jul 23, 2013** for the trademark application identified above. Applicant's **SECOND** request for Extension of Time to File a Statement of Use has been **GRANTED**. If you are currently using the mark in commerce, please visit http://www.uspto.gov/trademarks/teas/intent_to_use.jsp and select form number 1 ("Statement of Use/Amendment to Allege Use for Intent-to-Use Application") to file your statement of use and complete the registration process.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will abandon the application.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=85795933&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=85795933&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information on filing a Statement of Use or an additional extension request, if applicable, please consult the USPTO website at <http://www.uspto.gov/trademarks/>, view the video on the USPTO website entitled "Statement of Use" (click on "TMIN Trademark Information Network" to view a list of available videos), or contact the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	09/24/2014		
PUB DATE	05/28/2013		
STATUS	731-SECOND EXTENSION - GRANTED		
STATUS DATE	09/23/2014		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000167

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/24/2014	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	034
09/23/2014	EX2G	S	EXTENSION 2 GRANTED	033
07/23/2014	EXT2	S	EXTENSION 2 FILED	032
09/23/2014	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	031
09/02/2014	NREV	E	NOTICE OF REVIVAL - E-MAILED	030
09/02/2014	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029
09/02/2014	PETG	O	PETITION TO REVIVE-GRANTED	028

BNB 000168

09/02/2014	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027
08/25/2014	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
08/25/2014	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
07/26/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
07/24/2013	EX1G	S	EXTENSION 1 GRANTED	023
07/24/2013	EXT1	S	EXTENSION 1 FILED	022
07/24/2013	EEXT	I	TEAS EXTENSION RECEIVED	021
07/23/2013	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	020
05/28/2013	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	019
05/28/2013	PUBO	A	PUBLISHED FOR OPPOSITION	018
05/08/2013	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	017
04/19/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
04/19/2013	ALIE	A	ASSIGNED TO LIE	015
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York

BALASHI BEER

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, September 2, 2014 11:01 PM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notice of Revival: U.S. Trademark SN 85795933: BALASHI BEER

Sep 2, 2014

NOTICE OF REVIVAL

U.S. Serial Number: 85795933
Mark: BALASHI BEER
Owner: T & Beer, Inc
Docket/Reference Number:

Revival Date: Sep 2, 2014

The above-referenced application has been **REVIVED** and will be forwarded to the appropriate section of the Office for further action.

- * If the application was abandoned for failure to file a timely response to an Office action, the application will be forwarded to the examining attorney; or
- * If a notice of appeal was submitted with the petition, the application will be forwarded to the Trademark Trial and Appeal Board to institute the appeal; or
- * If the application was abandoned for failure to file a timely statement of use or a request for extension of time to file a statement of use, the application will be forwarded to the intent to use unit.

To check the current status of your application, please wait approximately three (3) weeks and then either go to http://tsdr.uspto.gov/#caseNumber=85795933&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=85795933&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <http://www.uspto.gov/trademarks/> or contact the Trademark Assistance Center at 1-800-786-9199.

BNB 000172

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85795933
LAW OFFICE ASSIGNED	LAW OFFICE 106
DATE OF NOTICE OF ABANDONMENT	08/25/2014
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/85795933/large
LITERAL ELEMENT	BALASHI BEER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.
NOTICE OF ALLOWANCE	Notice of Allowance was received by applicant.
EXTENSION OF TIME TO FILE STATEMENT OF USE	
OWNER SECTION	
NAME	T & Beer, Inc
STREET	136 Willow Drive
CITY	Old Tappan
STATE	New Jersey
ZIP/POSTAL CODE	07675
COUNTRY	United States

BNB 000173

PHONE	732-727-5030
EMAIL	jascoli@skenelawfirm.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	032
CURRENT IDENTIFICATION	Beer
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION PERIOD(S)	2
ONGOING EFFORT	product or service research or development
ALLOWANCE MAIL DATE	07/23/2013
PAYMENT SECTION	
PETITION FEE	100
NUMBER OF CLASSES IN USE	1
EXTENSION FEE	150
TOTAL AMOUNT	250
SIGNATURE SECTION	
PETITION SIGNATURE	/joseph a. ascoli/
SIGNATORY'S NAME	joseph a. ascoli
SIGNATORY'S POSITION	attorney of record new jersey
DATE SIGNED	09/02/2014
SIGNATORY'S PHONE NUMBER	732-727-5030
DECLARATION SIGNATURE	/joseph a. ascoli/
SIGNATORY'S NAME	joseph a. ascoli
SIGNATORY'S POSITION	attorney of record new Jersey
DATE SIGNED	09/02/2014
SIGNATORY'S PHONE NUMBER	732-727-5030
FILING INFORMATION	
SUBMIT DATE	Tue Sep 02 12:57:18 EDT 2014
TEAS STAMP	USPTO/PSE-67.84.31.15-201 40902125718650969-8579593 3-5004aa8ed29c414be2a2260 40a9342b7ae932689fbff745e

BNB 000174

	681c8e0fcee72269f50-CC-11 064-20140902124925506496
--	---

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

To the Commissioner for Trademarks:

MARK: BALASHI BEER(Standard Characters, see <http://tsdr.uspto.gov/img/85795933/large>)
SERIAL NUMBER: 85795933

PETITION

Signatory has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.
Notice of Allowance was received by applicant.

EXTENSION OF TIME TO FILE STATEMENT OF USE

The applicant, requests revival of the application identified above, and submits extension(s) of time to file the Statement of Use under 37 C.F.R. Section 2.89. The Notice of Allowance mailing date was 07/23/2013.

The applicant is filing extension number(s): 2

The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods/services covered by the extension request: product or service research or development

For International Class 032:
Current identification: Beer

The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the petition fee.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for the extension fee.

A fee payment in the total amount of \$250 will be submitted.

Petition

BNB 000176

Signature: /joseph a. ascoli/ Date Signed: 09/02/2014
Signatory's Name: joseph a. ascoli
Signatory's Position: attorney of record new jersey
Signatory's Phone: 732-727-5030

Declaration

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

STATEMENTS FOR PETITION TO REVIVE: The signatory believes that he/she has firsthand knowledge that the applicant's failure to timely file a statement of use (SOU) or request for an extension of time to file a statement of use (extension request) was unintentional; and requests that the USPTO revive the application.

STATEMENTS FOR SOU: The signatory believes that: if the applicant is filing the SOU under 15 U.S.C. Section 1051(d), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with all the goods/services in the notice of allowance or as subsequently modified, and such use by the applicant's related company or licensee inures to the benefit of the applicant; that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services in commerce.

STATEMENTS FOR EXTENSION REQUEST: The signatory believes that: if the applicant is filing the extension request under 15 U.S.C. Section 1051(d), the applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all the goods/services under Section 1(b) in the notice of allowance or as subsequently modified; and that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /joseph a. ascoli/ Date Signed: 09/02/2014
Signatory's Name: joseph a. ascoli
Signatory's Position: attorney of record new Jersey
Signatory's Phone: 732-727-5030

Serial Number: 85795933
Internet Transmission Date: Tue Sep 02 12:57:18 EDT 2014
TEAS Stamp: USPTO/PSE-67.84.31.15-201409021257186509
69-85795933-5004aa8ed29c414be2a226040a93
42b7ae932689fbff745e681c8e0fcee72269f50-
CC-11064-20140902124925506496

BNB 000177

RAM SALE NUMBER: 85795933
RAM ACCOUNTING DATE: 20140902

INTERNET TRANSMISSION DATE:
2014/09/02

SERIAL NUMBER:
85/795933

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2014/09/02	100
ESU	7004	2014/09/02	150

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	08/26/2014		
PUB DATE	05/28/2013		
STATUS	606-ABANDONED - NO STATEMENT OF USE FILED		
STATUS DATE	08/25/2014		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	08/25/2014	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000179

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/25/2014	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
08/25/2014	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
07/26/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
07/24/2013	EX1G	S	EXTENSION 1 GRANTED	023
07/24/2013	EXT1	S	EXTENSION 1 FILED	022
07/24/2013	EEXT	I	TEAS EXTENSION RECEIVED	021

BNB 000180

07/23/2013	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	020
05/28/2013	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	019
05/28/2013	PUBO	A	PUBLISHED FOR OPPOSITION	018
05/08/2013	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	017
04/19/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
04/19/2013	ALIE	A	ASSIGNED TO LIE	015
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York

BALASHI BEER

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Aug 25, 2014

The trademark application identified below was abandoned because the applicant failed to file for a statement of use or an extension of time.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85795933
MARK: BALASHI BEER
OWNER: T & Beer, Inc

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE , NJ 08857-2306

BNB 000183



From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, July 26, 2013 00:13 AM
To: jascoli@skenelawfirm.com
Subject: Trademark Serial Number 85795933 : Official USPTO Notice of Approval of Extension Request

NOTICE OF APPROVAL OF EXTENSION REQUEST

Serial Number: 85795933
Mark: BALASHI BEER(STANDARD CHARACTER MARK)
Owner: T & Beer, Inc
Extension Request Number: 1
Docket/Reference Number:
Notice of Allowance Date: Jul 23, 2013

The USPTO issued a Notice of Allowance on **Jul 23, 2013** for the trademark application identified above. Applicant's **FIRST** request for Extension of Time to File a Statement of Use has been **GRANTED**.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will hold the application abandoned.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <http://www.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to <http://tarr.uspto.gov/>.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85795933>.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

BNB 000185

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	07/26/2013		
PUB DATE	05/28/2013		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	07/24/2013		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000186

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/26/2013	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	024
07/24/2013	EX1G	S	EXTENSION 1 GRANTED	023
07/24/2013	EXT1	S	EXTENSION 1 FILED	022
07/24/2013	EEXT	I	TEAS EXTENSION RECEIVED	021
07/23/2013	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	020
05/28/2013	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	019

BNB 000187

05/28/2013	PUBO	A	PUBLISHED FOR OPPOSITION	018
05/08/2013	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	017
04/19/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
04/19/2013	ALIE	A	ASSIGNED TO LIE	015
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York

BALASHI BEER

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85795933
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	BALASHI BEER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BALASHI BEER
OWNER SECTION	
NAME	T & Beer, Inc
STREET	136 Willow Drive
CITY	Old Tappan
STATE	New Jersey
ZIP/POSTAL CODE	07675
COUNTRY	United States
PHONE	732-727-5030
EMAIL	jascoli@skenelawfirm.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	032
CURRENT IDENTIFICATION	Beer
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	07/23/2013

BNB 000190

STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/joseph a. ascoli/
SIGNATORY'S NAME	joseph a. ascoli
SIGNATORY'S POSITION	attorney of record
DATE SIGNED	07/24/2013
SIGNATORY'S PHONE NUMBER	732-727-5030
FILING INFORMATION	
SUBMIT DATE	Wed Jul 24 13:31:59 EDT 2013
TEAS STAMP	USPTO/ESU-24.228.185.106- 20130724133159540798-8579 5933-500ee618f25a0d5bc3f4 be0108475dfb4baa3bdc82956 9656f2718e5a74c88-CC-1356 5-20130724132508837150

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: BALASHI BEER

SERIAL NUMBER: 85795933

The applicant, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 07/23/2013.

For International Class 032:

Current identification: Beer

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the first extension request.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /joseph a. ascoli/ Date Signed: 07/24/2013

Signatory's Name: joseph a. ascoli

Signatory's Position: attorney of record

Signatory's Phone: 732-727-5030

BNB 000192

RAM Sale Number: 85795933
RAM Accounting Date: 07/24/2013

Serial Number: 85795933
Internet Transmission Date: Wed Jul 24 13:31:59 EDT 2013
TEAS Stamp: USPTO/ESU-24.228.185.106-201307241331595
40798-85795933-500ee618f25a0d5bc3f4be010
8475dfb4baa3bdc829569656f2718e5a74c88-CC
-13565-20130724132508837150

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, July 23, 2013 00:12 AM
To: jascoli@skenelawfirm.com
Subject: Trademark Serial Number 85795933: Official USPTO Notice of Allowance

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Jul 23, 2013

Serial Number: 85795933
Mark: BALASHI BEER(STANDARD CHARACTER MARK)
Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

Serial Number: 85795933
Mark: BALASHI BEER(STANDARD CHARACTER MARK)
Docket/Reference Number:
Owner: T & Beer, Inc
136 Willow Drive
Old Tappan , NEW JERSEY 07675
Correspondence Address: JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2

BNB 000194

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

032 - Beer -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=85795933>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, May 28, 2013 00:38 AM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notification: TMOG Publication Confirmation for Serial Number 85795933

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 85-795,933
Mark: BALASHI BEER(STANDARD CHARACTER MARK)
International Class(es): 032
Applicant: T & Beer, Inc
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 28, 2013.

To View the Mark in the TMOG:

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20130528_OG.pdf#page=00001065
2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

To view this notice and other documents for this application on-line, go to Trademark Status and Document Retrieval at <http://tsdr.uspto.gov/>, enter the United States application serial number and select the button labeled "Documents." NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

May 8, 2013

NOTICE OF PUBLICATION

- | | |
|--------------------------------------|---|
| 1. Serial No.:
85-795,933 | 2. Mark:
BALASHI BEER
(STANDARD CHARACTER MARK) |
| 3. International Class(es):
32 | |
| 4. Publication Date:
May 28, 2013 | 5. Applicant:
T & Beer, Inc |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jascoli@skenelawfirm.com

BNB 000197

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, May 8, 2013 03:37 AM
To: jascoli@skenelawfirm.com
Subject: Official USPTO Notification: Issuance of Notice of Publication for Serial Number 85795933

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85795933) is scheduled to publish in the *Official Gazette* on May 28, 2013. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=85795933>. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	04/20/2013		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/19/2013		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000199

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/19/2013	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
04/19/2013	ALIE	A	ASSIGNED TO LIE	015
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010

BNB 000200

03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

BALASHI BEER

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/28/2013		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/27/2013		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000203

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEA	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008

BNB 000204

03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

BALASHI BEER

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/28/2013		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/27/2013		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000207

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"
TRANSLATION	The wording "BALASHI" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/27/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
03/27/2013	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
03/27/2013	GNEH	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
03/27/2013	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
03/27/2013	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008

BNB 000208

03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/10/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	joseph A. ascoli
CORRESPONDENCE ADDRESS	JOSEPH A. ASCOLI SKENE LAW FIRM, P.C. 2614 ROUTE 516 FL 2 OLD BRIDGE, NJ 08857-2306
DOMESTIC REPRESENTATIVE	NONE

BALASHI BEER

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	85795933	FILING DATE	12/06/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	GUTTADAURO, JULIE MARI	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/27/2013		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/26/2013		
LITERAL MARK ELEMENT	BALASHI BEER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BALASHI BEER

BNB 000211

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	T & Beer, Inc
ADDRESS	136 Willow Drive Old Tappan, NJ 07675
ENTITY	03-CORPORATION
CITIZENSHIP	New York
DBA/AKA	DBA Simone International

GOODS AND SERVICES

INTERNATIONAL CLASS	032
DESCRIPTION TEXT	Beer

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEER"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/26/2013	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/26/2013	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/26/2013	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
03/25/2013	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/25/2013	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/25/2013	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/25/2013	DOCK	D	ASSIGNED TO EXAMINER	003
12/17/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002

BNB 000212

12/10/2012

NWAP

I

NEW APPLICATION ENTERED IN TRAM

001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

joseph A. ascoli

CORRESPONDENCE ADDRESS

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE, NJ 08857-2306

DOMESTIC REPRESENTATIVE

NONE

BALASHI BEER

To: T & Beer, Inc (jascoli@skenelawfirm.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85795933 - BALASHI BEER - N/A
Sent: 3/27/2013 11:26:01 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85795933

MARK: BALASHI BEER

85795933

CORRESPONDENT ADDRESS:

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE, NJ 08857-2306

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: T & Beer, Inc

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

jascoli@skenelawfirm.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 3/27/2013

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by Joseph A. Ascoli on March 26, 2013, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

TRANSLATION OF FOREIGN WORDING: The following statement is added to the record:

The wording "BALASHI" has no meaning in a foreign language.

See 37 C.F.R. §2.61(b); TMEP §809.03.

BNB 000215

/Julie M. Guttadauro/
Julie M. Guttadauro
Law Office 106
(571) 272-5875
julie.guttadauro@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: T & Beer, Inc (jascoli@skenelawfirm.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85795933 - BALASHI BEER - N/A
Sent: 3/27/2013 11:26:02 AM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/27/2013** FOR U.S. APPLICATION SERIAL NO.85795933

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see

BNB 000217

http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85795933
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85795933
LITERAL ELEMENT	BALASHI BEER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use Beer apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/joseph a. ascoli/
SIGNATORY'S NAME	joseph a. ascoli
SIGNATORY'S POSITION	attorney of record
SIGNATORY'S PHONE NUMBER	732-727-5030
DATE SIGNED	03/26/2013
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Mar 26 10:58:58 EDT 2013
TEAS STAMP	USPTO/ROA-24.228.180.18-2 0130326105858424143-85795 933-50075eba4dd345d1bf0ee

BNB 000219

5e69b25b7815b1db0412fbc8
9277f188f4d8e258ff17-N/A-
N/A-20130326104715277658

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85795933** BALASHI BEER(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85795933>) has been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use Beer apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /joseph a. ascoli/ Date: 03/26/2013

Signatory's Name: joseph a. ascoli

Signatory's Position: attorney of record

Signatory's Phone Number: 732-727-5030

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85795933

Internet Transmission Date: Tue Mar 26 10:58:58 EDT 2013

TEAS Stamp: USPTO/ROA-24.228.180.18-2013032610585842

4143-85795933-50075eba4dd345d1bf0ee5e69b

25b7815b1db0412fbc89277f188f4d8e258ff17

-N/A-N/A-20130326104715277658

BNB 000220

To: T & Beer, Inc (jascoli@skenelawfirm.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85795933 - BALASHI BEER - N/A
Sent: 3/25/2013 4:41:36 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85795933

MARK: BALASHI BEER

85795933

CORRESPONDENT ADDRESS:

JOSEPH A. ASCOLI
SKENE LAW FIRM, P.C.
2614 ROUTE 516 FL 2
OLD BRIDGE, NJ 08857-2306

CLICK HERE TO RESPOND TO THIS LETTER
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: T & Beer, Inc

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

jascoli@skenelawfirm.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/25/2013

APPLICATION STATUS

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH FOR CONFLICTING MARKS

BNB 000221

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

DISCLAIMER

Applicant must disclaim the descriptive wording "BEER" apart from the mark as shown because it is generic for the goods. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

Specifically, the goods are identified as "BEER". Therefore, "BEER" is the generic name of the goods and must be disclaimed.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "BEER" apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

SIGNIFICANCE OF WORDING

Applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §2.32(a)(9); *see* TMEP §809. In the present case, the wording "BALASHI" may require translation.

The following translation statement is suggested:

The English translation of "BALASHI" in the mark is "{specify meaning}".

BNB 000222

In the alternative, the applicant may state the word has no English meaning.

TMEP §809.03.

ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Julie M. Guttadauro/
Julie M. Guttadauro
Law Office 106
(571) 272-5875
julie.guttadauro@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

BNB 000223

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: T & Beer, Inc (jascoli@skenelawfirm.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85795933 - BALASHI BEER - N/A
Sent: 3/25/2013 4:41:37 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/25/2013** FOR U.S. APPLICATION SERIAL NO. 85795933

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **3/25/2013** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the

BNB 000225

ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

*** User:jguttadaur ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	5	0	5	4	0:03	*b{"aey"}l{"aey"}{"scz"}h*[bi,ti] not dead [ld]
02	2047	N/A	0	0	0:04	*bala*[bi,ti] not dead [ld]
03	58512	N/A	0	0	0:05	*b{V:2}r*[bi,ti] not dead [ld]
04	56	0	56	55	0:01	2 and 3
05	1864	N/A	0	0	0:04	*beer*[bi,ti] not dead [ld]
06	1414	N/A	0	0	0:03	5 and "032" [cc]

Session started 3/25/2013 3:53:08 PM

Session finished 3/25/2013 4:31:55 PM

Total search duration 0 minutes 20 seconds

Session duration 38 minutes 47 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 85795933

BNB 000227

BALASHI BEER

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85795933

Filing Date: 12/06/2012

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	BALASHI BEER
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BALASHI BEER
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	T & Beer, Inc
DBA/AKA/TA/FORMERLY	DBA Simone International
*STREET	136 Willow Drive
*CITY	Old Tappan
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	07675
PHONE	732-727-5030

BNB 000229

EMAIL ADDRESS	jascoli@skenelawfirm.com
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	032
*IDENTIFICATION	Beer
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	joseph A. ascoli
FIRM NAME	skene law firm, p.c.
STREET	2614 rt. 516, 2nd floor
CITY	old bridge
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08857
PHONE	732-727-5030
FAX	732-727-5028
EMAIL ADDRESS	jascoli@skenelawfirm.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	joseph A. ascoli

BNB 000230

FIRM NAME	skene law firm, p.c.
*STREET	2614 rt. 516, 2nd floor
*CITY	old bridge
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE	08857
PHONE	732-727-5030
FAX	732-727-5028
*EMAIL ADDRESS	jascoli@skenelawfirm.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/joseph a. ascoli/
* SIGNATORY'S NAME	joseph a. ascoli
* SIGNATORY'S POSITION	attorney of record, new jersey
SIGNATORY'S PHONE NUMBER	732-727-5030
* DATE SIGNED	12/06/2012

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85795933

Filing Date: 12/06/2012

To the Commissioner for Trademarks:

MARK: BALASHI BEER (Standard Characters, see [mark](#))

The literal element of the mark consists of BALASHI BEER.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, T & Beer, Inc, DBA Simone International, a corporation of New York, having an address of

136 Willow Drive
Old Tappan, New Jersey 07675
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Beer

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

joseph A. ascoli of skene law firm, p.c.
2614 rt. 516, 2nd floor
old bridge, New Jersey 08857
United States

The applicant's current Correspondence Information:

joseph A. ascoli
skene law firm, p.c.
2614 rt. 516, 2nd floor
old bridge, New Jersey 08857
732-727-5030(phone)

BNB 000232

732-727-5028(fax)

jascoli@skenelawfirm.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /joseph a. ascoli/ Date Signed: 12/06/2012

Signatory's Name: joseph a. ascoli

Signatory's Position: attorney of record, new jersey

RAM Sale Number: 9741

RAM Accounting Date: 12/06/2012

Serial Number: 85795933

Internet Transmission Date: Thu Dec 06 10:41:11 EST 2012

TEAS Stamp: USPTO/FTK-24.228.180.18-2012120610411136

9042-85795933-490d62804f47882cda6ee518f7

ebcee13-CC-9741-20121206102758369988

BNB 000233

BALASHI BEER

EXHIBIT “X”

Part 2



BNB 001001



BNB 001002

3. Dufry Aruba L&T



4. 14Bis Restaurant / Get-n-Go





5. Mello Bar



EXHIBIT “X”

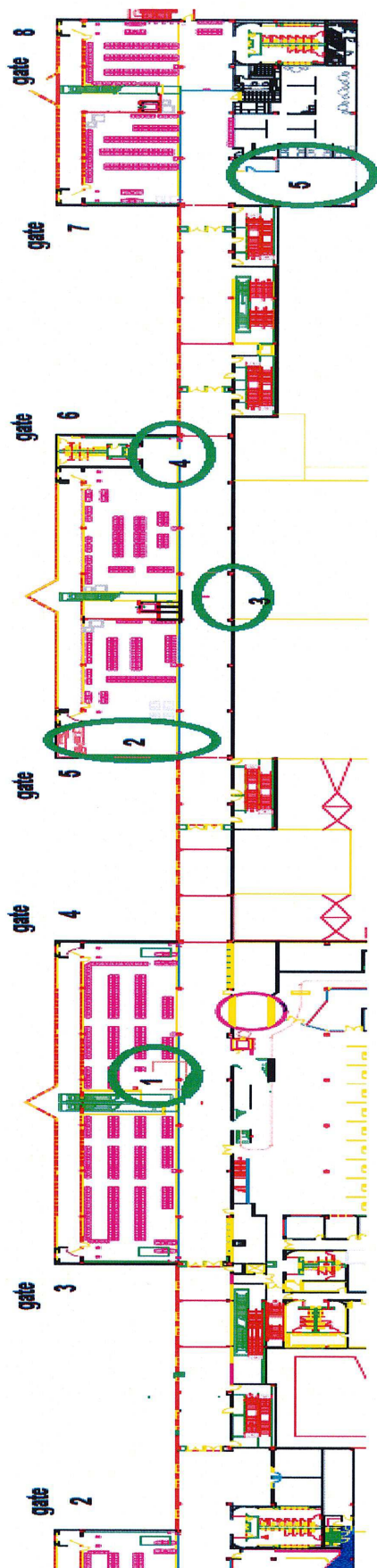
Part 3



6. Abraco Café



2nd Floor Locations



Restricted areas 2nd floor - outlets selling Balashi and/or Chill beer

1. Old Dutch Bar - operated by AHI N.V. - location Gate 4 (US and NON US Bound gate)
2. Sharro's - operated by AHI N.V. - location gate 5 (US Bound gate)
3. Grab n Go - operate dby AHI N.V. - location gate 5/6 (US Boudin gate)
4. One Happy Bar - operated by One Happy Bar N.V. - location gate 6 (US Bound gate)
5. Binah Deli - operated by AHI N.V. - location gate 7 (US Boudin gate)

note: at gate 1a and at gate 8 there are VIP lounges operated by AHI N.V. where they also serve Balashi and Chill which is however included in the rate paid for entry to VIP area

1. Old Dutch Bar



EXHIBIT “X”

Part 4

2. Sbarro's



BNB 001009

3. Grab-n-Go



4. One Happy bar



5. Binah Coffee Shop



Opposer's Motion for Summary Judgment

Proceeding No. 91223456

EXHIBIT “GG”

Trademark/Service Mark Application, Principal Register

Serial Number: 86701475

Filing Date: 07/22/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86701475
MARK INFORMATION	
*MARK	\\TICRS\EXPORT16\IMAGEOUT 16\867\014\86701475\xml1\ RFA0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	BALASHI PREMIUM BEER ARUBA'S BEER
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) Red, white and black is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a red horizontal banner with the word BALASHI written in white the banner. Above the red banner are the words PREMIUM BEER curved up, under the are the word Brewed in Aruba curved down, but these are not part of the mark. At the v bottom of the design are the words ARUBA'S BEER written in a different font, these ar the mark.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	944 x 731
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Brouwerij Nacional Balashi N.V.
*STREET	Balashi #62, St. Cruz
*CITY	Santa Cruz

BNB 000472

*COUNTRY	Aruba
LEGAL ENTITY INFORMATION	
TYPE	naamloze vennootschap (nv)
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Aruba
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	032
* IDENTIFICATION	Beer
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION NUMBER	29417
FOREIGN REGISTRATION COUNTRY	Aruba
FOREIGN REGISTRATION DATE	06/07/2011
FOREIGN REGISTRATION EXPIRATION DATE	03/30/2021
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	reg-1-5025064113-154521985 . Cert of Reg BALASHI PREMIUM BEER ARUBA S BEER and D
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0004.JPG
STANDARD CHARACTERS OR EQUIVALENT	NO
INTERNATIONAL CLASS	025
* IDENTIFICATION	Clothing, footwear, headgear
FILING BASIS	SECTION 44(e)

BNB 000473

FOREIGN REGISTRATION NUMBER	29417
FOREIGN REGISTRATION COUNTRY	Aruba
FOREIGN REGISTRATION DATE	06/07/2011
FOREIGN REGISTRATION EXPIRATION DATE	03/30/2021
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	reg-2-5025064113-154521985 . Cert of Reg BALASHI PREMIUM BEER ARUBA S BEER and D
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0006.JPG
STANDARD CHARACTERS OR EQUIVALENT	NO
INTERNATIONAL CLASS	035
* IDENTIFICATION	Advertising
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION NUMBER	29417
FOREIGN REGISTRATION COUNTRY	Aruba
FOREIGN REGISTRATION DATE	06/07/2011
FOREIGN REGISTRATION EXPIRATION DATE	03/30/2021
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	reg-3-5025064113-154521985 . Cert of Reg BALASHI PREMIUM BEER ARUBA S BEER and D

BNB 000474

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	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0008.JPG
STANDARD CHARACTERS OR EQUIVALENT	NO
ATTORNEY INFORMATION	
NAME	Ashley G. Kessler
ATTORNEY DOCKET NUMBER	1918 - Balashi
FIRM NAME	Feldman Gale, P.A.
INTERNAL ADDRESS	2 South Biscayne Boulevard
STREET	One Biscayne Tower, 30th Floor
CITY	Miami
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33131
PHONE	305.358.5001
FAX	305.358.3309
EMAIL ADDRESS	trademarks@feldmangale.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Alejandro J. Fernandez, James A. Gale, Richard Guerra, Jeffrey D. Feldman, Rafael A. Pineiro, Arthur Robert Weaver, Matthew N. Horowitz, Samuel A. Lewis and Susan J. L
CORRESPONDENCE INFORMATION	
NAME	Ashley G. Kessler
FIRM NAME	Feldman Gale, P.A.
INTERNAL ADDRESS	2 South Biscayne Boulevard
STREET	One Biscayne Tower, 30th Floor
CITY	Miami

BNB 000475

STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33131
PHONE	305.358.5001
FAX	305.358.3309
*EMAIL ADDRESS	trademarks@feldmangale.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	3
FEE PER CLASS	275
*TOTAL FEE DUE	825
*TOTAL FEE PAID	825
SIGNATURE INFORMATION	
ORIGINAL PDF FILE	hw_5025064113-154521985_._Signed_Dec.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\867\014\86701475\xml1\RFA0009.JPG
SIGNATORY'S NAME	Wendell Bennett
SIGNATORY'S POSITION	Managing Officer

Trademark/Service Mark Application, Principal Register

Serial Number: 86701475

Filing Date: 07/22/2015

To the Commissioner for Trademarks:

MARK: BALASHI PREMIUM BEER ARUBA'S BEER (stylized and/or with design, see [mark](#))

The literal element of the mark consists of BALASHI PREMIUM BEER ARUBA'S BEER.

The color(s) Red, white and black is/are claimed as a feature of the mark. The mark consists of a red horizontal banner with the word BALASHI written in white inside of the banner. Above the red banner are the words PREMIUM BEER curved up, under the banner are the word Brewed in Aruba curved down, but these are not part of the mark. At the very bottom of the design are the words ARUBA'S BEER written in a different font, these are part of the mark.

The applicant, Brouwerij Nacional Balashi N.V., a naamloze vennootschap (nv) legally organized under the laws of Aruba, having an address of

Balashi #62, St. Cruz
Santa Cruz
Aruba

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 032: Beer

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of Aruba registration number 29417, and/or proof of renewal, registered 06/07/2011 with a renewal date of _____ and an expiration date of 03/30/2021, and translation thereof, if appropriate.

Original PDF file:

[reg-1-5025064113-154521985_. Cert of Reg_BALASHI PREMIUM BEER ARUBA S BEER and Design.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

International Class 025: Clothing, footwear, headgear

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of Aruba registration number 29417, and/or proof of renewal, registered 06/07/2011 with a renewal date of _____ and an expiration date of 03/30/2021, and translation thereof, if appropriate.

BNB 000477

Original PDF file:

[reg-2-5025064113-](#)

[154521985 . Cert of Reg BALASHI PREMIUM BEER ARUBA S BEER and Design.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

International Class 035: Advertising

Based on Foreign Registration: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services, and submits a copy of Aruba registration number 29417, and/or proof of renewal, registered 06/07/2011 with a renewal date of _____ and an expiration date of 03/30/2021, and translation thereof, if appropriate.

Original PDF file:

[reg-3-5025064113-](#)

[154521985 . Cert of Reg BALASHI PREMIUM BEER ARUBA S BEER and Design.pdf](#)

Converted PDF file(s) (2 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

The applicant's current Attorney Information:

Ashley G. Kessler and Alejandro J. Fernandez, James A. Gale, Richard Guerra, Jeffrey D. Feldman, Rafael A. Perez-Pineiro, Arthur Robert Weaver, Matthew N. Horowitz, Samuel A. Lewis and Susan J. Latham of Feldman Gale, P.A.

2 South Biscayne Boulevard
One Biscayne Tower, 30th Floor
Miami, Florida 33131
United States

The attorney docket/reference number is 1918 - Balashi.

The applicant's current Correspondence Information:

Ashley G. Kessler
Feldman Gale, P.A.
2 South Biscayne Boulevard
One Biscayne Tower, 30th Floor
Miami, Florida 33131
305.358.5001(phone)
305.358.3309(fax)
trademarks@feldmangale.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant

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subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$825 has been submitted with the application, representing payment for 3 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: Not Provided Date: Not Provided

Signatory's Name: Wendell Bennett

Signatory's Position: Managing Officer

RAM Sale Number: 86701475

RAM Accounting Date: 07/23/2015

Serial Number: 86701475

Internet Transmission Date: Wed Jul 22 16:35:56 EDT 2015

TEAS Stamp: USPTO/BAS-50.250.64.113-2015072216355684

1174-86701475-540d4e8e1d54294a32d60ea25b

24e4df07cda7dedfe6ac39a65bde90d7f1ee5c79

-DA-3201-20150722163414789104





ARUBA

Oficina di Propiedad Intelectual

BEWIJS VAN REGISTRATIE VAN EEN WAREN- OF DIENSTMERK

Land van origine: ARUBA
Indieningsnr.: IM-20110331.17
Indieningsdatum: 31 maart 2011
Indieningstijd: 14:15

Registratienummer: 29417
Registratiedatum: 07 juni 2011
Geldig van: 31 maart 2011
Geldig t/m: 30 maart 2021

Klasse(n): 25, 32, 35

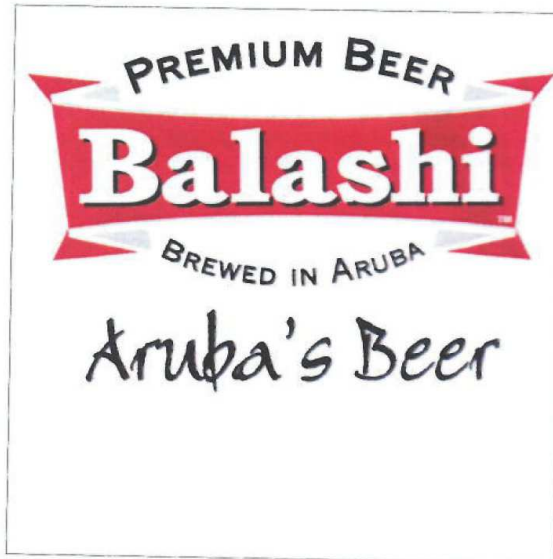
Recht van voorrang:

Land:

Indieningsnr.

Indieningsdatum:

Afbeelding:



Woordmerk:

**BALASHI PREMIUM BEER ARUBA'S
BEER**

Naam rechthebbende: BROUWERIJ NACIONAL BALASHI N.V.

Adres rechthebbende: Balashi, Santa Cruz

Land rechthebbende: ARUBA

Naam gemachtigde:

Adres gemachtigde:

Aruba, 07 juni 2011

Dhr. Goşwino A. Oduber



BNB 000481



OFICINA di PROPIEDAD INTELECTUAL di ARUBA

VERZOEK TOT INSCHRIJVING VAN EEN WAREN- OF DIENSTMERK



Datum indiening : 31 MRT 2011 Tijd : 14:15 Reg. Datum : 07 juni 2011
IM.nummer : 110331.17 Reg. Nummer : 29417
Cash/cheque : Geldig van : 31 maart 2011
Kwitantie nr. : tot en met : 30 maart 2021

(Rubriek voor dienstdoeleinden! Niet in te vullen door verzoeker)

RECHTHEBBENDE / INFORMACION DI E DOÑO DI MARCA

NAAM / NUMBER:

ADRES / DIRECCION:

PLAATS / LUGAR:

LAND / PAIS:

GEWAARMERKT

(ing. Art 7 vijfde lid)
op 07 juni 2011

Goswino A. Oduber Dir.

GEMACHTIGDE / INFORMACION DI E APODERADO

CODE / CODIGO:

NAAM / NUMBER:

BIJZONDERHEDEN:

INLICHTINGEN BETREFFENDE HET MERK / INFORMACION DI E MARCA

KLASSEN /
CATEGORIANAN

25 35 32

Indien WOORDMERK hieronder in het midden
aangeven

WAREN / DIENSTEN

kl. 25 Clothing, footwear, headgear

kl. 35 Advertising

kl. 32 Beer

kl.

Meer informatie op bijlage



Aruba's Beer

KLEUREN / COLORAN

Rood
Wit

Kwant

Grijs

Indien BEELD- of COMBI-MERK
afbeelding (max. 90 x 90 mm.) hierboven plakken.

Recht van Voorrang art. 4 Parijse Unie

Land :

Ingediend op :

Indieningsnr. :

BIJLAGEN / ANEXO

Oranjestad, March 21, 2011

Handtekening / Firma


Naam / Functie
Number / Funcion

Managing Director

BNB 000482

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature Section:Signature: 

Signatory's Name: Wendell Bennett

Signatory's Position: Managing Officer

Signatory's Phone Number: 297-5236599 / 297-5938143

Date Signed: July 16-2015

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.